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HARVARD STUDIES
IN
CLASSICAL PHILOLOGY

*EDITED BY A COMMITTEE OF THE CLASSICAL
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PREFATORY NOTE

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CATALOGUE OF THE MANUSCRIPTS OF AESCHYLUS¹

BY HERBERT WEIR SMYTH

AUSTRIA

VIENNA

*Nationalbibliothek*²

1. Vind. 1: Hist. Graec. 122. Prom. Sept. (1-1064). +. Schol. Gloss. 4°, .210 × .160 mm.; ff. 183. XV.

The complete interlinear paraphrase depends on Thomas Magister's collection of scholia according to M. Schmidt, by whom nos. 1, 4, 5, 6, 7 are described, especially as regards their scholia.

2. Vind. 2: Phil. Graec. 187. Scholia to Pers. Sept. Prom. 4°, .230 × .170; ff. 118. XVI.

Probably written by a student.

¹ The verses are cited by their numbering in Sidgwick's edition.

References to the MSS. used by Hermann are to Haupt's preface to the posthumous edition of 1859.

+ signifies that a MS. of another author precedes or follows the part containing Aeschylus.

XIV-XV (or the like) signifies that a MS. was written about the end of the 15th or the beginning of the 16th century.

Unless a statement is made to the contrary the MSS. are written on ordinary paper. Fragments of Aeschylus' MSS. on papyrus: nos. 8, 35, and the following (consisting of a single verse or less), as reported in my Unlisted Fragments of Aeschylus in *Am. Jour. of Philol.*, XLI (1920): p. 104 (54 A, Berlin Pap. 9780); p. 110 (258 B, Oxyr. Pap. 1087, 3, VIII (1911) 103; p. 114 (451 H, Herc. Pap. 1012, col. 23); p. 114 (451 I, Oxyr. Pap. II (1879) 46. [Oxyr. Pap. II, 213 contains fragments of the Niobe of Sophocles (Jebb-Pearson, 442-445) not of Aeschylus' play of that name. Amherst Pap. II, X, pl. 2, held by Blass to be from Aeschylus' Nereids, is better referred to the Hector of Astydamas by Weil, *Études de littérature et de rythmique grecque*, 1902.]

² Nessel: *Catalogus . . . codicum manuscriptorum . . . bibliothecae Caesareae*, 1690. Readings of Prom. Sept. from Bast's collation first appear in Schütz, whose designations A, B, C, D probably refer to 197, 235, 279, 122 respectively.

3. Vind. 3: Phil. Graec. 197. Prom. Sept. Pers. +. Vita, Schol. Gloss. 8°, .230 × .150; ff. 244. XV.

V in Dähnhardt. Probably written by *Κωνσταντῖνος ὁ Κετῆας*. — The text of Prom. Sept. and the scholia and glosses are in one hand. The text of Pers. (which has fewer glosses) shows two hands, the second of which dates the MS. 1413. — Photograph of Arg. to Sept. on plate 30 in Bick's *Die Schreiber d. Wiener griech. Handschriften in Veröffentlichungen aus der Nationalbibliothek in Wien* (Abhandl. 1. 1920, no. 32). — Former owners Johannes Alexander Brassicanus and Sebastian Tenggagels.

4. Vind. 4: Phil. Graec. 235. Prom. Sept. Vita, few Schol., many Gloss. (a complete interlinear version). 4°, .220 × .170; ff. 80. XV.

5. Vind. 5: Phil. Graec. 279. Prom. (103-1093). Sept. Arg. to Sept., Schol. Gloss. 8°, .210 × .150; ff. 86. XV.

Bought in Constantinople by Augerius de Busbecke. — According to Dähnhardt both 279 and 197 are derived from a common original that contained also Pers., which original was the source of the three plays in Heid.-Pal. 18 (no. 37).

6. Vind. 6: Phil. Graec. 298. Scholia to Prom. Sept. Pers. 4°, .215 × .150; ff. 122. XVI.

7. Vind. 7: Phil. Graec. 334. Scholia to Prom. Sept. Pers. Agam. Eum. Small 8°, .165 × .115; ff. 152. XVI.

1. Triclinius' metrical scholia (*Δημητρίου τοῦ Τρικλινίου . . . παλαιὰ ἐξήγησις* 6^r): 1^r-5^v Prom. 526-end (the first two quaternions are lost), 6^r-24^v Sept., 25^r-36^v Pers., 36^v-44^r Agam., 44^v-46^r Eum.
2. Thomas Magister: 47^r-72^v Prom., 73^r-96^v Sept., 97^r-115^v Pers. Thomas says he took over Triclinius' notes on language.
3. 116^r-150^v *σχόλια παλαιὰ εἰς τὸν Αἰσχύλου Ἀγαμέμνονα* (to vv. 15 ff.).
4. 151^r-152^r *σχόλια παλαιὰ εἰς τὰς Αἰσχύλου Εὐμενίδας* (to vv. 15 ff.).

The only other MS. containing *σχόλια παλαιὰ* to Agam. Eum. is the Farnese MS. in Naples (188: II. F. 31). The *παλαιὰ* in 334 contain old material; though, according to Francken p. vi, their use of *ἡγουν* is a sign of later origin. M. Schmidt (280-282) published part of Triclinius' metrical scholia to Prom., and brief extracts from the *σχόλια παλαιὰ* to Eum. (279). See Heimsoeth, *Nachtrag zu der Schrift über die Wiederherstellung der Dramen des Aeschylus*, 41, 183.

EGYPT

ALEXANDRIA

Société Archéologique d'Alexandrie

8. Alex.: Fragment of the Niobe.

Papyrus MS. published in the Bulletin of the Society, 1932; cp. K. Latte in Gesellschaft d. Wissenschaften zu Göttingen, 1933.

SINAI

Βιβλιοθήκη τῆς Μονῆς τῆς Ἀγίας Καθαρινῆς ¹

8 A. Sin.: Bankes 2. Two tragedies (unnamed).

ENGLAND

CAMBRIDGE

Library of the University ²

9. Cant. 1: 2628 (iii. 17). Prom. Sept. Pers. (1-1064). +. Vita, Arg., Schol. Gloss. Small 4°, .202 × .138; ff. 88. XIV-XV.

M(edianus) 1 in Askew, Blomfield; Cant. 1 in Butler, Herm. Assigned by Butler to XIII or XIV, by Seelmann and Dähnhardt to XIV-XV. — According to Dobree and the Catalogue, this MS. continues the first part (ff. 1-124) of 2625 (iii. 14), which contains (on 124^v) the part of the Vita ending ἀπῆρε δέ. Bound with 2625 (.216 × .147) is a MS. of Eur. Hec., Orest., Phoen. and a treatise by Herodian. — Bought by Dr. Richard Mead (1673-1754) on Mt. Athos, and after his death passed to Askew and thence into the library of the University. — Collated, to the middle of Septem, by Askew, entire by Butler, who used the scholia on Pers. to continue those of Ox. 5 collated by Stanley.

¹ Benešević: Catalogus codd. MSS., qui in monasterio S^{ae} Catharinae in Monte Sina asservantur, Petropoli, 1 (1911) p. 651. The one item above is cited from W. Turner's Journal of a Tour in the Levant, Lond. 1826, 2. 443 n.

² Catalogue of the manuscripts preserved in the library of the University of Cambridge 4 (1861), 483, 488.

10. Cant. 2: 2628 (iii. 17). Prom. Sept. Pers. (1-937). Vita (complete), Arg. (except to Pers.), Schol. Gloss. 4°; ff. 78. XIV.

M2 in Askew, Blomfield; Cant. 2 in Butler, Herm. — Referred by Babington (in the Catalogue) to the latter half of XIII, by Butler to XIV-XV, by Montague James (orally) to the second half of XIV. — The MS. is bound in the same volume as Cant. 1, and has the same history.

CHELTENHAM

*Thirlstaine House*¹

11. Chelt.: Phillipps 3086. Pers. Arg., few Schol. 8°, .210 × .142; ff. 37. XV-XVI.

Formerly in the library of the College of the Jesuits at Clermont, Paris.

Upon the suppression of their order the MSS. of the College were bought by Gérard Meerman; upon the death of whose son Jean, this MS. (Meerm. 296) and others were bought in 1824 by Sir Thomas Phillipps and later passed to his grandson T. Fitzroy Fenwick of Cheltenham. See on No. 36. Originally the MS. formed part of a larger book that contained also Xenophon *De re equestri*, Eur. *Phoen.*, etc.

LONDON

*British Museum*²

12. Burney (106). Prom. +. Vita, .293 × .203; ff. 111. XVI.

Written in Italy. From the collection of Dr. Charles Burney (1757-1817) bought by vote of Parliament for the use of the Nation.

*Library of Lambeth Palace*³

13. Lamb. (1203). Pers. +. Arg., 8° or small 4°, .191 × .136; ff. 58 (56 is mutilated). XIV or XV.

From Mt. Athos; presented by Charles Manners Sutton, Archbishop of Canterbury. — Cursorily inspected by Blomfield.

¹ *Catalogus librorum manuscriptorum in bibliotheca D. Thomae Phillipps*, 1837.

² Maunde Thompson: *Catalogue of classical manuscripts* (Class. Rev. 2 (1888) 172).

³ Todd: *Catalogue of the archiepiscopal MSS. in the library of Lambeth Palace*, 1812.

OXFORD

*Bodleian Library*¹

14. Ox. 1: Auct. T. 6. 5. Prom. Sept. +. Arg., interlinear notes to Prom. 98^r-108^v, 110^r-113^v. .194 × .136; ff. 289. About 1500 Catal.; later in XVI Allen.

15. Ox. 2: Baroccianus 74. Fragmentary Schol. to Prom. +. Small 4°, .210 × .150; ff. 225. Early XVI.

From the library of Jacobus Baroccus.

16. Ox. 3: Baroc. 231. Prom. Sept. Pers. Vita, Arg., Schol. Fol., .323 × .235; ff. 58. XV.

Ox. in Herm., Barocc. in Dind. (some have regarded "Ox." and "Barocc." as different MSS.). — Collated by Stanley; more fully by Askew, whose collation was used by Butler. Burton and Burgess collated the Septem and have readings not reported by Stanley. Porson's collation was used by Blomfield. — The scholia were first printed by Stanley (Dindorf's A). The MS. often resembles Ven. 468, and the editio princeps is like both in many respects.

17. Ox. 4: Canonicianus 40. Prom. (13-end, 766-774 prefixed), Sept. +. Arg. to Sept. Brief scholia. 4°, .216 × 154; ff. 206. Silky paper. XV.

18. Ox. 5: Seldenianus 17 (formerly 3406). Prom. Sept. +. Arg. to Sept. (that to Prom. probably on a page now lost). Schol. Gloss.; small 4°, .211 × .150; ff. 126. XIV-XV.

XIV-XV in Catal., Dähnhardt, XV in Allen. — Often called "Arundelianus" (as by Stanley, Herm., Dind.), having once belonged to Henry Frederick, Earl of Arundel, who gave a part of his MSS. to Selden. — Collated by Stanley, more fully by Askew, whose excerpts were used by Burton (who named the MS. S) for Septem in his *Πενταλογία* (1758) and Burgess in his edition of that book (1779), and by Butler. Its readings are reported by Schütz and Herm. Blomfield used excerpts made by Porson and Gaisford. — The scholia appear in Stanley, who called them *σχόλια δεύτερα* (Dindorf's B) to distinguish them from *σχόλια πρώτη* (Dindorf's A). — Described by Gaisford in his edition of Hephæstion (1810), p. 242.

¹ Coxe: *Catalogus manuscriptorum bibliothecae Bodleianae, pars 1* (1853), pars 3 (Canoniciani) 1854.

FRANCE

PARIS

I. *Bibliothèque Nationale*¹

19. Par. 1: 39 (Reg. 3441). Frag. of Prom. +. .198 × .130; ff. 250. End XIII.

The composite volume contains twenty-five different items. According to the Catalogue, fragments of the Ajax and Prom. (fol. 241) are preceded by a fragment of Procopius (fol. 239) and followed by an Anathematization of the Saracens (fol. 242). On the facsimiles sent me no fragment of the Prom. follows that of Ajax.

20. Par. 2: 2070 (Font.-Reg. 3353). Schol. to Pers. Agam. Prom. Sept. Eum. Suppl. +. Fol. .216 × .150; ff. 243. XVI.

Written by Arsenius of Monembasia (cp. Vogel-Gardthausen, p. 42). — Once in the library of Franciscus Asulanus (no. 127). Cp. no. 42.

21. Par. 3: 2710 (Colb. 1271). Schol. to Prom. Sept. Pers. Fol. .340 × .230; ff. 97. XVI.

22. Par. 4: 2782 A. Prom. Sept. +. Vita, Schol. (on 86^{r-v}). 4°, .220 × .157; ff. 329. XVI.

E in Herm. Dind. — Brought from Constantinople in 1740, too late to find any place in the Catalogue published that year except in the Appendix (Catal. 2. 624). — Collated by Vauvilliers (1. 307-317), on whom Blomfield depends; very inadequately by Faehse, 78-84, who confuses it with 2886.

23. Par. 5: 2785 (Colb. 4016). Prom. Sept. Pers. (1-1058, 1065). Vita, Arg., Schol., Gloss. 4°, .212 × .140; ff. 85. Glossy paper. XIV.

Colb. 1 in Burton, Butler, Haupt, Reg. L in Brunck, Par. N in Herm. (see Haupt, p. xii), Dind. (vol. 1, p. 8); Par. O (Dind. vol. 3, p. vii) for the scholia. — XIII Catal. Dind., XIV Omont, XV Vauvilliers (2.89-106), whose collation, consisting of a discussion of various passages and an index of variants (except for Pers.), was used by Blomfield.

¹ Omont: *Inventaire sommaire des manuscrits grecs de la Bibliothèque Nationale: troisième partie, Anciens fonds grec (1-109), Coislin (111-196), Supplément (201-343)*, 1888.

Omout: *Table Alphabétique des manuscrits du fonds grec (1-228); Concor-
dance des anciens numéros et des numéros actuels (Cod. Regii LXIII-XCVII,
Colbert LXXXIII-XCVII)*, 1898.

24. Par. 6: 2786 (Reg. 3320. 2). Prom. Sept. Pers. +. Vita, Arg., Schol. (rare on Sept., but more frequent than on Prom., none on Pers.), Gloss. (none on Pers.). 4°, .212 × .135; ff. 236. Part parchment. XIV (Faehse XVI).

Reg. H in Blomfield, Wellauer, Par. I in Herm. — From the library of Charles-Maurice Le Tellier, Archbishop of Rheims (No. 105). Thought by some to be the same as the Liber Bigoti (Émeric Bigot) purchased for the Royal Library in 1706.¹ According to Elmsley, the MS. was collated by Needham. Musgrave had its readings, perhaps entered on the margin of a copy of Pauw's edition (1745), whence they were taken by Porson and Blomfield. Bekker reported some readings for Hermann. Faehse, pp. 91-101, noted readings of Sept.

25. Par. 7: 2787 (Reg. 3320). Prom. Sept. Pers. +. Vita, Arg., Schol. Gloss. 4°, .215 × .140; ff. 179. XIV.

P. in Dind. Wilam., Par. B in Brunck, Wellauer, Blomfield, Herm. — Formerly in the library of Hurault de Boistaillé (died 1572) and thence called Boistallerianus. — XV according to Catal. Herm. Dind.; early XIV Wilam., nearly contemporaneous, according to Omont, with 2785, which he places in XIV. The first two pages of the book are written on parchment, the rest on coarser paper than 2785. — The MS. contains many variant readings heaped together, conjectures and other matter, also scholia A. Some of the readings appear in the text, others above the text with the addition of γρ. The MS. was collated by Lama for Needham (Askew's A), by Brunck, whose readings reappear in Schütz and Blomfield, and (poorly) by Faehse. Hermann's report was derived from Bekker. All previous collations are superseded by that of Wilamowitz. — Faehse (1-67) first reported the scholia (called Reg. O by Wellauer) in full to Prom., in part to Sept. (91-117), and to Pers. (120-132). Dindorf's collection of the scholia, dependent on F. Dübner's, does not distinguish those of 2787 from those of 2785. — Photograph of fol. 54^v in Wilam. (Sept. 493-508).

26. Par. 8: 2788 (Medic.-Reg. 3330). Prom. Sept. Pers. Vita, Arg., few Schol., many Gloss. 4°, .216 × .146; ff. 109. XV Omont, end XV Catal.

F in Herm. Dind., G in Wellauer, Blomfield. — Copied by Athanasius (μόναχος) of Monembasia (Vogel-Gardthausen, p. 11). — Collated for Needham (Askew's C); and by Vauvilliers (1. 318-323). The latter's

¹ But Raper, *Variae lectiones Aeschyli e codice msto. Emerici Bigot* in *Class. Jour.* 17 (1818), pp. 178-179, cites readings also from Agam. (No Paris MS., except 2791, written by Casaubon, contains that play.)

collation was used by Blomfield. Bekker reported some readings for Hermann.

27. Par. 9: 2789 (Reg. 3331, 3, Colb. 4874). Prom. Sept. Pers. Vita, Arg. Many Schol. and Gloss. 4°, .217 × .151; ff. 94. XV.

C in Herm., Dind. — From Vauvilliers' collation (1. 281-300) come Blomfield's citations. — Turnebus used this, or a similar, MS. according to Elmsley and Haupt.

28. Par. 10: 2790 (Colb. 3553). Prom. with Arg. +. 4°, .205 × .143; ff. 93. XV.

Par. D. in Herm. Dind. — Collated by Vauvilliers (1. 300-306), from whom come Blomfield's references.

29. Par. 11: 2792 (Medic.-Reg. 3331). Schol. to Prom. Sept. Pers. 4°, .200 × .145; ff. 155. XVI.

Written by Arsenius of Monembasia (Vogel-Gardthausen, p. 43). — From the library of Cardinal Rodolfi.

30. Par. 12: 2793 (Font.-Reg. 3318). Schol. to Prom. Sept. Pers. Vita, Arg. 4°, .203 × .147; ff. 159. XVI.

Written by Jacobus Diassorinus (Vogel-Gardthausen, p. 153). — Fol. 5^v *σχόλεια παλαιὰ πάνυ ὠφελικὰ εἰς τὸν τοῦ Αἰσχύλου Προμηθεῖα δεσμώτην.*

31. Par. 13: 2884 (Reg. 3305.3, Colb. 6443). Prom. Sept. Pers. +. Vita, Arg. to Sept. Pers., brief Schol. and Gloss. 8°, .167 × .126; ff. 248. Silky paper. 1298 Omont, 1299 Wilam. (the last letter denoting the numeral is obscure).

Par. A in Herm. Dind.; Reg. A in Brunck, Wellauer; Q in Wilam. — Written by Athanasius Spondyles. — If this MS. is the same as Colb. 2, a collation sent to Needham was used by Burton, Schütz, Butler, and Blomfield. Collated by Brunck and Wilam.

32. Par. 14: 2886 (Medic.-Reg. 3521). Prom. Sept. (omits v. 279, as do many other MSS., but not M), Pers. (omits 552-561, verses found on the margin in M), Eum. Suppl. +. Vita, Arg. (except to Suppl.). No Scholia proper, very few Glosses. 8°, .165 × .111; ff. 301. XV-XVI (Catal. XVI).

Reg. L in Wellauer (Reg. P in addenda to vol. 2), Blomfield; Herm. P (for Suppl.), Par. (for Eum.), L (for Prom. Sept. Pers.); D in Askew, Schütz, Butler; L in Dind. (Par. for Eum. Suppl.); c in Weckl., Kirch.; P in Sidg. — End XV Pierron, Blass. (The words "16^e siècle peut-être"

under the title come from Gail, not from Boissonade.) — On the page before 1 appears the monogram (Λ^{σ}) of Janos Lascaris (ca. 1445–1535), who has been commonly held to have written the MS., e.g. by Needham, according to the opinion of Boivin (1663–1726), custodian of MSS. in the Royal College, by Schütz, Wellauer, and Haupt. Pierron denies that Lascaris was the scribe; Miller (*Rev. Archéol.* 20, 1869, p. 50) maintains that, at best, Lascaris made only a few marginal corrections. According to Vogel-Gardthausen, p. 43, the scribe was Aristobulus Apostolides (1465–1535); according to Omont, *Inventaire sommaire du fonds grec*, he was Arsenius of Monembasia. The book was once the property of Lascaris; from the collection of Cardinal Rodolfi it passed, not, as been claimed, into that of Francis I, but into the library of Catherine de Medici, and thence, under Henry IV, to the Royal Library. — The incomplete collation by Charles de la Rue and Malinguehen, sent to Needham, passed into Askew's collection and appears in Butler; but as early as 1652 John Walker of Trinity College, Cambridge, entered its readings in a copy of the Aldine text, which readings formed a part of Askew's *Aeschylea*. — The MS. was carelessly collated by Faehse, who wrongly refers to Par. 2782 the readings he gives (158–164) from Eum. and Suppl. Linwood received from Hase a report on special passages requested by him. Hermann, who received from Bekker a list of readings, thought the MS. was derived from the original of M, which opinion was maintained by Pierron. Haupt (and Blass) thought that the MS. was a copy of M itself; a conclusion rejected by Pierron because of its variations from M. On this question see Dindorf's *Lexicon Aeschyleum*, 405, 408.

33. Par. 15: Suppl. Grec. 110.¹ Prom. (247–end), Sept. Pers. +. Arg. to Sept., Schol. and Gloss. (except to Pers.). 8°, .213 × .142; ff. 79. XV.

S in Dindorf.

34. Par. 16: Coisl. 353. Prom. Sept. Vita, Arg. to Pers. Schol. 4°, .274 × .161; ff. 75. XV.

T in Dind. Copied by Georgius Hermonymus Spartiates (Vogel-Gardthausen, p. 74). — Claudius Fauchet, a former owner, presented the MS. to Quintus Septimius Florens. Foll. 71^v–75^r contain a second Arg. to Pers.: *Ἰππίας ὁ Πεισιστράτου τύραννος ὧν Ἀθηναίων ἐξέπεσε τῆς τυραννίδος· ἐλθὼν οὖν παρὰ Πέρσας ἰκετεύει Δαρεῖον στρατεύειν κατ' Ἀθηνῶν . . . τέλος ἐλθὼν εἰς τὴν πατρίδα τὸ πένθος αὐτῇ παρεσήμηνεν* (cp. Hdt. 6. 106 ff.).

¹ Omont: *Inventaire sommaire des manuscrits du Supplément grec* (1883).

II. *Bibliothèque de Ambroise Firmin-Didot*

35. Par. 17: Didot. Frag. of Carians or Europe (99 Nauck). Second cent. B.C.

Papyrus MS. published (with facsimile) by Weil, *Monuments grecs in Annuaire de l'Assoc. pour l'Encouragement des Études grecques en France*, 1879; cp. *Rev. de Philol.* 4 (1880), 10-13, 145-150. Kenyon, *Palaeography of Greek papyri*, 1899, p. 130, allotted 15 verses to the Carians and 8 to the Myrmidons.

GERMANY

BERLIN

*Preussische Staatsbibliothek*¹

36. Berl. 184 = Philipps 1587. Late Scholia on Prom. Sept. Pers. Fol., .293 × .200; ff. 59. XVI or late XV.

See on No. 11. In 1887 purchased from the collection of Sir Thomas Philipps (Meerman 309) and included, as no. 184, in the then Royal Library.

HEIDELBERG

*Universitätsbibliothek*²

37. Heid.-Pal. 18. Prom. (270-end), Sept. (fol. 121 is new), Pers. (1-806, 882-1044). +. Schol. Gloss. 4°, 247 × .173; ff. 244. Silky paper. XIV (XIII Schütz, Butler, XIII or XIV Dind.).

Vit. in Herm., Vitenb. Dind.; H in Dähnhardt, Wilam. — Scribe: Νικόλας ὁ Γοῦδελης (Γοῦδελης on the verso of the last f.). — Of the same origin as Vind. 197 (Dähnhardt, p. xi). — Collated by Zeune, more accurately by Herm., on whom Wilam. depends. — Loaned in 1620 to Erasmus Schmidt, it passed to the library of the University of Wittenberg (and hence formerly called Vitenbergensis Yg 22Q), but was returned in 1881 to Heidelberg by way of Halle, whence it had come from Wittenberg in 1862. See Gerhardt in *Neuer Anzeiger für Bibliographie und Bibliothekswissenschaft* 1879, no. 324. The MS. therefore formed no part of the Palatine collection sent in 1623 by Leo Allatius to Gregory XIV. Vat.-Pal. 18 in Sylburg's *Catalogue* (1701) and in Stevenson's is a late copy of the original (xvii cent.).

¹ The volume of the *Verzeichnis der griech. Handschriften der Bibliothek zu Berlin*, that will include this MS., has not yet appeared.

² No catalogue of the Greek and Latin MSS. has been published.

LEIPZIG

Stadtbibliothek ¹

38. Lips. 1 (1. 4. 43). Prom. (169-391 with κρατοῦντι for θακοῦντι). Interlinear annotations, 4°, .215 × .150; ff. 4. XIV-XV.

A marginal hand notes that, of the first eight leaves (containing vv. 1-159), four have disappeared; and after v. 391, that about fourteen leaves are wanting.

39. Lips. 2 (1. 4. 43). Prom. Sept. Pers. (except 320, 667). Marginal and interlinear annotations, Vita, Arg., 4°, .215 × .150; ff. 108. XIV-XV.

Lips. 1 and 2 are bound in one volume with numbering originally continuous. ff. 1-8^v, Lips. 1; ff. 9^r-116^v, Lips. 2 (Prom. text 11^r-49^r, Sept. text 51^r-84^v, Pers. text 86^r-116^v). Both MSS. probably came from the library of Konrad von Uffenbach. The Catal. bibl. Uffenbachianae (Frank. a/M, 1729-'31) lists on p. 685 a MS. of the triad with schol. and gloss. — Lips. 2 may be slightly older than Lips. 1. — Askew's collation, used by Passow (Melet. Crit. in Pers., 1818), Butler, and Blomfield, is inferior to that of Herm. The scholia are reported by Dähnhardt (L).

MUNICH

Bayerische Staatsbibliothek ²

40. Mon. 1: 75. Schol. to Prom. Sept. Pers. +. Fol., ff. 399. XVI.

41. Mon. 2: 88. Schol. to Prom. Sept. Pers. +. Fol., ff. 408. XVI.

42. Mon. 3: 91. Schol. to Agam. Eum. Suppl. Prom. Sept. Pers. +. 4°, .371 × .325; fol. 444 (two blank). Early XVI. On this MS. see Dindorf, Lex. Aeschyleum, p. v and Addenda, pp. 419-421. Cp. Par. 2070.

43. Mon. 4: 152. Schol. to Prom. Sept. Pers. +. Fol., ff. 350. XVI.

44. Mon. 5: 154. Schol. to Prom. Sept. Pers. +. Fol., ff. 428. XVI.

45. Mon. 6: "Ex Aeschylō breves notae." +. From the library of Victorius. 4°, ff. 185. XVI.

¹ Naumann: Catalogus librorum MSS. qui in bibliotheca Senatoria civitatis Lipsiensis asservantur, 1838-39.

² Hardt: Catalogus codic. MSS. graecorum bibliothecae regiae bavaricae, 5 (1812). On p. 364 is registered an "Agamennon," which is not the drama of Aesch. Hardt suggested that the "Clytaemnestra" of Sophocles is meant.

46. Mon. 7: 486. Prom. (1-686). +. Vita, Arg., Schol. Gloss. (neither after v. 367), 4°, .230 × .166; ff. 134. XV.

Referred to XVI by Westermann in his *Βιογράφοι*. Collated by Herm., who thought it a copy of Lips. 2.

47. Mon. 8: 546. Eum. (576-end). +. Very few Scholia. 4°, .205 × .143; ff. 72. XVI.

Formerly called Augustanus and so cited by Herm. (A in Sidgwick); d in Weckl. Kirch. Collated by Herm. Franz used a collation (up to v. 856) inserted in a copy of Stephanus' edition. The MS. closely resembles M (and Par. 2886) and has been thought by Burges, Haupt, and Blass to be derived from that MS. (778-836 agree with M, the verses of the refrains being indicated by abbreviated words.) This is the only MS. that contains no other play of Aeschylus than Eum.

48. Mon. 9: 565. Prom. (v. 1 only), Sept. +. Vita, Arg. to Sept., 4°, .166 × .111; ff. 46. XVI.

According to the Catalogue, the Septem ends *μετὰ ἄσπιδος* (sic) *τόδε . . .* (387?). — Occasionally cited by Herm.

WOLFENBÜTTEL

*Herzog-August-Bibliothek*¹

49. Guelph.: Guelpherbytanus 4275 (Gudianus 88). Prom. Sept. Pers. Agam. (1-310, 1067-1159), Ch. (10-end), Eum. Suppl. Vita, Schol. Gloss. 4°, .205 × .150; ff. 199. XV.

G in Klausen, Herm., Sidg., b in Weckl., Kirch. — Bought from Nic. Trevisano in Padua by Marquard Gude (1635-1709). — The *Oresteia* and Suppl. (ff. 131-193) are in a later hand and on different paper. — The MS. is a copy of the Byzantine triad, possibly from another source than M; at least its readings often differ from those of M (Sept. 195 is not omitted, as in M). See Zeune, *De variatate lectionis in tres priores Aesch. trag. ex cod. Acad. Vitenb.*, 1780. To the triad was added the *Oresteia* (as two plays) taken from M, but not without errors in copying. Whether Suppl. was derived from the same source (the opinion of Hermann) is disputed (Tucker, *Introd.*, p. xxvii). See Ahrens, *De causis Aeschyli nondum satis emendati*, 1832. In the *editio princeps* (1518) it, or a similar MS., formed the basis for *Oresteia* and Suppl. Askew's (Needham's) inadequate collation was used by Schütz; and by Blomfield

¹ Ebert: *Bibliothecae Guelferbytanæ codices graeci et latini classici*, 1827, No. 8. Koehl: *Die griechischen Handschriften der herzoglichen Bibliothek*, vol. 9 (1913).

for Prom. Also collated by Hermann¹ and by Franz. Since Hermann's time it has been treated with a disesteem from which some later scholars, as Heimsoeth, would rescue it.

GREECE

ATHENS

Ἐθνικὴ Βιβλιοθήκη τῆς Ἑλλάδος²

50. Ath. 1: 1056. Prom. Sept. Schol. Gloss. .21 X .16.; ff 174. Early XVI.

Βιβλιοθήκη Ἀλεξίου Κολυβά³

51. Ath. 2: 108. Prom. (except 226-249). +. .230 X .155; ff. 264. XV.

MT. ATHOS

Μονὴ τῶν Ἰβήρων⁴

52. Athos 1: Iber. 4281 (161). Prom. Sept. Pers. +. Vita, Arg. 4°, ff. 204. XIII.

Μονὴ Βατοπαιδίου⁵

53. Athos 2: Vatop. 33. Prom. Sept. +. Vita, Arg. to Sept., Schol. Gloss. ff. 296, .219 X .157. XV (Catal.) or XVI.

¹ Professor W. W. Goodwin told me that, according to one of his teachers at Göttingen, Hermann had the MS. during the Napoleonic wars and returned it only after all danger of its seizure had passed.

² Sakellion: Κατάλογος τῶν χειρογράφων τῆς ἐθνικῆς βιβλιοθήκης τῆς Ἑλλάδος, 1892.

³ Lampros: Κώδικες τῆς βιβλιοθήκης Ἀλεξίου Κολυβά in Νέος Ἑλληνομνήμων 13 (1916), 467.

⁴ Spyridion-Eustratiades: Catalogue of the Greek MSS. in the library of the Laura on Mount Athos (Harvard Theological Studies, 12, 1925).

⁵ Eustratiades-Arcadios: Catalogue of the Greek MSS. in the library of the Monastery of Vatopedi on Mount Athos (Harvard Theological Studies 11, 1924).

HOLLAND

LEYDEN

*Bibliothek der Rijks-Universiteit*¹

54. Leid. 1: Vossianus Graec. 4. Prom. Sept. Pers. +. Vita, Arg. to Prom. Pers. Schol. Gloss. 4°, .250 + .175; ff. 31. Silky paper. XIV.

This MS. (and nos. 2 and 3) formed part of the collection of Isaac Voss (1618-1689). Originally the volume contained also Pind. Ol. 1-13 (fol. 32-70), but is now divided into two parts (Q 4 A, Q 4 B).

55. Leid. 2: Voss. 6. Prom. (50-end), Sept. Pers. (fol. 4, vv. 799-1024, fol. 20, vv. 618-798). +. Arg. to Sept., Schol. Gloss. 4°, .260 × .180; ff. 42. XIII Dind., probably XIII Büchner, XV Blok. Voss. 1 (N) in Dind. — At the beginning two lost leaves contained Vita, Arg. to Prom., and vv. 1-49 of that play.

56. Leid. 3: Voss. 23. Prom. Sept. Pers. +. Arg. to Sept. Pers., Schol. Fol., .262 × .183 (text), ff. 96. XV-XVI.

Voss. 2 (Q) in Dind. Francken reports various scholia that do not appear in Faehse's (inadequate) collation of Par. 2787, of which — or of a very similar MS. — this is a copy. A collection of the scholia is found in a MS. volume of *Adversaria* of different dates in the Library of the University of Cambridge (*Catal. "Adversaria,"* p. 12).

57. Leid. 4: Bibl. Pub. Gr. 51. Prom. Sept. Vita, Arg., Gloss. 8°, .249 × .155; ff. 83. XV end.

The number (51) is that of the Catalogue of 1716. — Written by Georgius Hermonymus Spartiates (Vogel-Gardthausen, p. 75). Cp. Omont, *Notice sur Georges Hermonyme de Sparta* (*Mém. de la Soc. de l'histoire de Paris*, 12 (1885), 65-68. — Former owners: Laurentius Laurentini, S. Hulsius.

58. Leid. 5: Bibl. Pub. Graec. 61 D. Prom. Sept. Scholia to Prom. 1-90, Glosses to both plays. 8°, .213 × .150; ff. 97. XV.

Cp. No. 31 in Geel's Catalogue.

¹ Gronovius: *Catalogus MSS. . . . Bibliothecae Publicae Universitatis, Lugduno-Batavae*, 1716.

Geel: *Catalogus librorum MSS. qui inde ab anno 1741 Bibl. Acad. Lugduno-Batavae accesserunt*, 1852.

ITALY

BOLOGNA

*Biblioteca Universitaria*¹

59. Bon. 1: 2271 (110). Pers. Agam. (1-310, 1067-1159), Ch. (10-end), Prom. Eum. Sept. (lacks v. 195), Suppl. Vita, Arg. (except to Ch. Suppl.), Schol. Gloss. Fol., .335 X .235; ff. 71 (many others blank). XIV Allen, XV Catal., Zacher.

This and the next MS. were formerly in the library of the Monastery of San Salvatore (Catal. by Roncaglia, 1762), and probably once the property of the Archiginnasio, the old seat of the University. — Collated in part by Zacher, Hermes 18 (1883) 472-475. — The MS. closely resembles M and is probably a copy of it.

60. Bon. 2: 2700 (108). Sept. Pers. (1-708), Prom. +. Vita, Arg., Schol. and Gloss. to Sept. 4°, .209 X .148; ff. 237 (many blank). XV.

This composite MS., written by five hands (XV-XVI), shows great disorder as regards the part containing Aeschylus (ff. 2-120), the arrangement of the verses of Sept. being ff. 3-43 (1-612, 641-668, 613-640, 669-end), f. 120 (1-150); f. 119 (Arg.).

FERRARA

*Biblioteca Comunale*²

61. Ferr.: 116 (N. A. 4). Prom. Sept. Pers. +. Vita, Arg., Schol. Gloss. 4°, .202 X .133. XIV.

The scholia agree, entirely or partially, with those in Stanley's edition.

FLORENCE

*Biblioteca Mediceo-Laurenziana*³

62. Flor. 1: Laur. 28. 25. Prom. Sept. Pers. +. Vita, Arg., Schol. Gloss. 12^{mo} .169 X .126; ff. 221 according to the numbering in ink (217 in pencil). XIV.

H in Dindorf, who reports some of the scholia.

¹ Olivieri-Festa: Indice de' codici greci Bolognesi in Studi Italiani di Filologia Classica 3 (1895) 385-495.

² Mantini: Catalogo di manoscritti greci esistenti nelle biblioteche Italiane, Vol. 1, part 2 (1896), no. 116, p. 335.

³ Bandini: Catalogus codicum Graecorum bibliothecae Laurentianae, 2 (1768), 3 (1770).

63. Flor. 2: Laur. 31. 1. Prom. Sept. Pers. +. Some marginal notes. Fol. .412 \times .285; ff. 140. Silky paper. Early XV.

Called Philelphianus (from a former owner) by Salvini, who probably collated the first play. Some readings appear in Wellauer and in Blomfield.

64. Flor. 3: Laur. 31. 2. Prom. Sept. Pers. (1-790). +. Vita, Arg. (except to Prom.), Schol. Gloss. 4°, .234 \times .165; ff. 80. Silky paper. XIV Rostagno, XV Catal., XIII-XIV (?).

65. Flor. 4: Laur. 31. 3. Prom. (except 205-240), Sept. +. Vita, Arg. (to Pers. only in part because of the loss of a leaf), Schol. Gloss. 4°, .255 \times .183; ff. 205. Dated 1286 (?).

G in Dind. (who gives examples of the scholia), B in Wilam. — Scribe *Μανουήλ ὁ Σφηνέας* (Vogel-Gardthausen, p. 281). — The last letter representing the date is uncertain. Vitelli and Paoli, in their *Collezione fiorentina di facsimili greci* 1 (1884), reproduce, on pl. iv, Oppian, *Cyneg.* 4. 72-96, and date the MS. 1287 because of the mention of the 15th indication (which however does not agree with that year). Wattenbach, *Scripturae Graecae specimina* pl. xxxi (the same passage from Oppian) also gives the date as 1287. In *New Palaeogr. Soc.* part VII (1909), no. 155, fol. 152 (Prom. 1-17), the date is said to be 1291. The Catal. and Rostagno refer the MS. to XIV. Wilam. held that the handwriting is later than that of Par. 2787 (beginning of XIV).

66. Flor. 5: Laur. 31. 8. Prom. Sept. Pers. Agam. (entire), Eum. (1-581, 645-777, 808-end). +. Vita, Arg. (Prom. Agam. Eum.). Schol. Gloss. 4°, .138 \times .127; ff. 244. XIV-XV.

Fl. in Herm., Flor. Dind., Sidgwick; F in Merkel, Weil, Wilam.; f in Weckl. a in Kirch. — First part XIV Wecklein, XIV Bandini, Herm. Dind. Franz, end XIV Wilam., early XV Mazon, XV Rostagno, Blass. (The MS. makes mention of a death that occurred in 1374.) — Written by a Constantinus, without nearer specification (Vogel-Gardthausen, p. 254). — The collation of Bencini and Poggi for the verses wanting in M was used by Blomfield for Agam. and by Linwood for Eum. Herm. had the readings of Franz. Collated by Wilam. for Prom. Sept. Pers. and for the parts of Agam. not found in M. — Dindorf quotes some of the scholia; Wecklein reports those on Agam. Some of the scholia agree with those in M, but apparently are not dependent thereon. With some differences, the metrical scholia are those of Neap. 188 (II. F. 31).

Rostagno-Festa: *Indice dei codici Greci Laurenziani non compresi nel catalogo del Bandini* (in *Studi Italiani di Filologia Classica* 1 (1893), 172-232).

67. Flor. 6: 31. 38. Prom. (1043–end), Sept. Pers. Vita, Arg. to Pers., Schol. Gloss. 4°, .226 × .160; ff. 49. XV.

68. Flor. 7: Laur. 32. 2. Prom. Sept. Pers. (1–922). +. Schol. Gloss. (neither to Pers.). Fol., .296 × .222; ff. 252 (including some blank). Early XIV.

L in Weil, Wilam. — Once the property of Symeon, who, in 1348, became Bishop of Gerace in Calabria, and, in 1349, Bishop of Avignon. The MS. was probably taken by him to Avignon, and, according to Anziani, a former curator of the Laurentian Library (as reported by Wilamowitz, *Analecta Euripidea*, 1885, p. 5), was there seen and acquired by Petrarch. If this is the case, together with other books of the poet, it came into the possession of Niccolò Niccoli, later into that of the monastery of St. Mark in Florence, and finally into the Laurentian Library. According to Wilam. this MS. (which was once united with Pal. 287) descended (through M or a copy of M) from a codex not earlier than the twelfth century. — Photograph of some verses of Eur. Iph. Aul. in Vitelli, *Publicazione del R. Istituto di Studi superiori*, 1887.

69. Flor. 8: Laur. 32. 9.¹ Pers. Agam. (1–310, 1067–1159), Ch. (10–end), Prom. Eum. Sept. Suppl. +. Vita, List. of plays, Arg. (except to Ch. Suppl.), marginal Schol., few interlinear Gloss. Large 4°, .331 × 211 (at the most 48 verses to the page); ff. 264. Parchment. X–XI.

M in all recent editions (Laur. A in Elmsley). — Acquired in Constantinople before Nov. 1423 by Giovanni Aurispa for Niccolò de' Niccoli,

¹ All earlier collations, whether complete or partial, either of single plays or of all seven, by Vettori, Salvini, Furia, Bencini, Franz, Merkel, Niebuhr, C. F. Weber, Tycho Mommsen, etc., are superseded by that of Vitelli (*Aeschyli fabulae cum lectionibus et scholiis codicis Medicei et in Agamemnonem codicis florentini ab Hieronymo Vitelli denuo collatis edidit N. Wecklein*, 1885).

Photographic facsimile in L' *Eschilo Laurenziano*, with preface by Rostagno, 1896; of a single page in Dindorf's *Aesch.* (1851) vol. 3 (Ch. 373–416), Vitelli-Paoli, *Collezione fiorentina di facsimili paleografici greci* 1897, pl. ix (Pers. 518–571). Cp. Merkel, *Aeschyli codicis Laurentiani quae supersunt . . . typis descripta*, 1871. — Thompson-Jebb, *Facsimile of the Laurentian MS. of Sophocles*, 1885; of O. T. 757–805 in Wattenbach, *Scripturae Graecae specimina*, 1897, pl. xxvi; of O. C. 1690–1730 in Wattenbach-von Velsen, *Exempla cod. Graec.* 1878, pl. xxxiv, and of Apoll. Rhod. 2, 648–686, pl. xxxv. — On the composition of the MS. see *i. a.* Allen, *Jour. Philol.* 22 (1893), pp. 157–183 (cp. Rostagno, p. 11), Brennan, *o. c.*, pp. 49–71.

brought by him to Venice, and examined in Florence on the 8th Cal. of June, 1424 by Ambrogio Traversari.

Originally the part containing Aeschylus (ff. 119-189) and Apollonius Rhodius' *Argonautica* (ff. 190-264) formed one volume, to which Sophocles' seven plays (ff. 1-118) were later prefixed with consequent re-numbering of the leaves.

The composite book (M) shows three older hands, here called M¹, M², M³. M¹ transcribed the text of Pers. 1-705 (the first quire of Aeschylus); M² the rest of the text of Aeschylus, the text of Apollonius and of Sophocles. M² is in smaller and more cursive minuscules, and is less conscientious (the Suppl. is full of inexactitudes) than M¹. Though neither of these copyists was a scholar, each, because unlearned, may have scrupulously retained a form that guides to a better reading. The task assigned to both was to reproduce the text of their original with fidelity, not to insert various readings, to copy the scholia, or to make conjectures or emendations. Both expected that their work would be examined by M³, and occasionally even made provision for his supervision.

The third hand (M³) is that of the 'corrector' or director, who revised the work of the two professional scribes by comparing it with their original. He corrected (chiefly in minuscules on the margin) many of their errors, which were due either to themselves or to their original, even as his own were also due now to his own inadvertence, now to much earlier tradition. He supplied words or verses omitted by the copyists; called attention to words whose meaning was doubtful or needed explanation; adduced readings different from those of the text; added the *Vita*, the arguments to Sept. Agam. Eum., the *dramatis personae*; and, on the margin, entered the ancient scholia to the three poets in semi-uncial characters to distinguish the commentary from the minuscules of the text.

According to Rostagno, though cautiously doubtful of the correctness of his conclusion, M¹ belongs to the second half of the tenth century, M² to the following century. It is more probable that these two hands (and that of M³) are of the same age; furthermore that the MS. was written in the same place — a monastery or a copying-house — and that the Aeschylus, the Apollonius and the Sophocles were transcribed at the same time, about 1000 A.D., not directly (as Hermann thought) from a MS. in uncials, but from one in minuscules, about a century older, that preserved some traces of earlier uncial writing and was itself derived from another MS. also in minuscules.

To at least three later and different hands — two possibly of the fourteenth, one of the fifteenth, century — are to be referred many alterations of the text and scholia, inserted, probably from other MSS., by readers or by copyists, who corrected some errors left unnoticed by M³.

From purely internal evidence it cannot be determined when and where M lost its entire 18th quaternion and three leaves of the 19th, a loss

responsible for the absence of Agam. 311-1066 and 1160-end, together with the first verses (generally assumed to be nine) of Ch. Of these mutilations (both of which were recognized by a later hand on the margin) the second at least had occurred before the MS. (or one strikingly similar) was inspected in May 1424 by Traversari, according to whom it contained *six* plays — by a slip he says it was a MS. of Aeschines instead of Aeschylus. His statement does not necessarily exclude the loss of Agam. 311-1066. Rostagno is of the opinion that the MS. was defective when it arrived in Italy. If it was then intact, its mutilation took place between the date of its arrival and May 1424. No copy seems to have been made before it reached Italy. In the fifteenth century — the century of its arrival — it was copied by Marc. 222, Bon. 2271, Guelf. 4725 (better referred to XV than earlier) with the above-mentioned lacunae in Agam. but without further loss in that play and with none in Eum.

More than a century elapsed between Traversari's confusion of Agam. and Ch. and the recognition that they were distinct plays. In the editio princeps (1518) they constituted a unit to Franciscus Asulanus, whose source was the MS. now known as Guelph. 4725. In his edition of the scholia (1552) Robortellus did not keep Ch. apart from Agam., but in his edition of the text (published in the same year) the Oresteia at last appears as a trilogy. Robortellus noticed, but did not fill in, the lacunae in Agam. For the Oresteia (and Suppl.) he was the first editor to make use of M, or, according to Haupt, a MS. very like M. Morelli thought he might have made use of Ven. 616; yet, though he was in Venice from 1549 to 1552, Robortellus makes no mention of any MS. there. In 1552 Turnebus, who printed Agam. with the gaps of M, consulted neither M nor any other MS. for the Oresteia (which he took to consist of two plays) and Suppl. For Prom. Sept. Pers. he too used the Aldine text and a MS. held by Elmsley and Hermann to be the same as Par. 2789. For his edition (1557), which contains the annotations of Stephanus, Victorius examined M and supplied, probably rather from Flor. 31. 8 than from Neap. II. F. 31, the lacunae in Agam. From some Florentine MS. he may have taken the text of Prom. Sept. Pers.

70. Flor. 9: Laur. 32. 21. Prom. +. Small 4°, .211 × .141; ff. 90 (95 by later numbering). XVI.

71. Flor. 10: Laur. 86. 3. Pers. +. Schol. Gloss. 4°, .247 × .171; ff. 232. XIV.

72. Flor. 11: 91. 5 sup. Prom. Sept. Vita, Arg. to Prom. Schol. Gloss. Small 4°, .227 × .148; ff. 76. XIV Catal., early XV Rostagno.

Formerly called Gaddianus. Bought in 1431 by Nicolaus de Martinotiis "a papate"; which statement, according to Rostagno, was written shortly after the MS. was copied.

73. Flor. 12: Marc. 222. Agam. (1-310, 1067-1159), Ch. (10-end). Eum. Suppl. Vita, Arg. to Agam. Eum., Schol. Folio, .330 × .248; ff. 47. Silky paper. XV Catal., XIV Rostagno.

Marc. in Herm. — Formerly in the library of the monastery of San Marco in Florence, whence it was transferred to the Laurentian library. — Carefully transcribed from M. — Niebuhr's collation of some verses at the beginning of Agam. was used by Herm.

CONVENTI SOPPRESSI (ABBZIA FIORENTINA)¹

74. Flor. 13: Conv. Soppr. 7. Prom. Sept. Pers. +. Vita, Arg., Schol. Gloss. .218 × .138; ff. 156. Dated 1344.

Abb. Fior. 2719. Montfaucon, *Diarium Italicum* 369. 28.

75. Flor. 14: Conv. Soppr. 11. Prom. Sept. Pers. +. Vita, Arg., Schol. Gloss. .217 × 140; ff. 150. Shiny paper. XIV.

Abb. Fior. 2886, Montfaucon 370.7. — K in Wilam. — The supplement to the Catalogue (by an error due to confusion in the order of the leaves) states that Sept. contains only vv. 1-637.

76. Flor. 15: Conv. Soppr. 98. Prom. Sept. Pers. +. Vita, Arg., Schol. Gloss. .222 × .145; ff. 322. Dated 1372.

Abb. Fior. 2872, Montfaucon 369. 39.

ACQUISTI²

77. Flor. 16: Add. 37. Excerpts from Aeschylus (Prom.) and from over thirty other writers. .156 × .100; ff. 138. Late XV for the part dealing with Prom. (72^r-74^r).

MILAN

*Bibliotheca Ambrosiana*³

78. Mediol. 1: Ambros. 169 (C 11 sup., formerly T 203). Prom. Sept. +. Arg. to Sept. Schol. Gloss. .215 × .143; ff. 181. XVI.

¹ Rostagno et Festa: *Indice dei codici greci Laurenziani non compresi nel Catalogo del Bandini*, in *Studi Italiani di Filologia Classica* 1 (1893), 129 ff.

² Rostagno-Festa (as under *Conventi Soppressi*).

³ Martini-Bassi: *Catalogus codicum Graec. Bibliothecae Ambrosianae*, 1906.

79. Mediol. 2: Ambros. 277 (E 26, formerly T 71). τὰ ἀποθέγματα τῶν φιλοσόφων (Aesch. (ff. 110^r–140^v) and 47 other writers); ff. 204 (two MSS. bound together): ff. 1–810 (.165 × .118), ff. 181–204 (.151 × .118). XVI.

80. Mediol. 3: Ambros. 399 (G. 56 sup.). Prom. Sept. Pers. +. Vita, Arg., Schol. Gloss. .256 × .175; ff. 125. Silky paper. Early XIV.

References to former owners: 22^v (1394), 57^v (1372). — Once in Pinelli's collection.

81. Mediol. 4: Ambros. 459 (I 47 sup.). Prom. Sept. Pers. +. Vita, Arg. to Prom. Pers., Schol. Gloss. .229 × .150; ff. 213. Dated 1375. Z in Merkel. — Formerly owned by Pinelli.

82. Mediol. 5: Ambros. 560 (N 175 sup.). Prom. (147–end), Sept. Pers. (1–1004). Arg. to Sept. Pers., Schol. Gloss. .220 × .152; ff. 55. Parchment. XV.

Formerly owned by Pinelli.

83. Mediol. 6: Ambros. 716 (R 98 sup.). Specimen of an index of locutions from Prom. Sept. Pers. with Latin interpretations. +. .332 × 223; ff. 361 (many blank).

Written by Nicasius Ellebodium; the date (1573) comes from the writer of a part of the MS. preceding Aesch. — Once the property of Pinelli.

84. Mediol. 7: Ambros. 782 (+ 18 sup., once P 68). Prom. (1–492). +. .096 × .068; ff. 78. Parchment. XV.

85. Mediol. 8: Ambros. 886 (C 222 inf.). Sept. (445–end; a later hand (XV) has supplied, with some omissions, 67, 69–470), Pers. +. Arg. to Pers., Schol. Gloss. Large folio, .347 × .262; ff. 363 (numbered as 362, but 36 is repeated). Silky paper. XIII and XIV.

A in Wilam. — Former owners: Merula, the Collegium Chalcorum in Milan, Pinelli. — Described by Keil, Rhein. Mus. 6 (1848), 108–110, Studemund, Anecd. varia Graeca, pp. 212, 237, 247, Schroeder, Philol. 54 (1895), 227–278, Merkel 22, Martini-Bassi, Catal. 2. 964. — Plate xxix in Wattenbach, Script. Graec. Specimina.²

NAPLES

*Biblioteca Nazionale Vittorio Emanuele III*¹

86. Neap. 1: 185 (II. F. 28). Prom. Sept., Schol. Gloss. 8°, .212 × .145; ff. 67. XV.

¹ Salvator Cyrillus: Codices graeci MSS. regiae Bibliothecae Borbonicae v. 2 (1832).

Prom. lacks the verses between 470 and 569 (numbering of the Catal.) because of the loss of one entire and two half leaves. — The scholia resemble those in Pauw's edition.

87. Neap. 2: 186 (II. F. 29). Prom. Sept. Pers. +. Vita, Arg. Fol., .295 × .215; ff. 54. XV.

Numerous notes on the margin by Janus Parrhasius.

88. Neap. 3: 187 (II. F. 30). Scholia to Prom. and Sept. Fol., .320 × .220; ff. 54. Early XVI.

The MS. is so mutilated at the beginning that the first words of the scholia on Prom. are lost. Almost all of these scholia appear in Pauw.

89. Neap. 4: 188 (II. F. 31, also cited as I. E. 5). Prom. Sept. Pers. Agam. (entire), Eum. (1-581, 645-777, 808-end). +. Vita, Arg., Schol. Gloss. 4°, .217 × .147; ff. 182. Silky paper. XIV.

Farn. in Herm., F in Weil, T in Dind., Tr in Wilam., c in Kirch., h in Weckl., Blass. Prefixed are excerpts from Hephaestion's *Enchiridion*. — Formerly in the library of Alessandro Farnese. — Early or middle XIV Martini-Bassi, Tucker; end XIV Mazon; "like the usual XV hand, but at all events end XIV," Allen; XV Catal. 2. 1. 175. — Whether the MS. was written by Triclinius himself — as was conjectured by Paschalius Baffius in Harles' *Nova Bibl. Gr. Fabricii* 5, 776 — or was copied from his original (as Baffius also held possible), it certainly contains his recension, colometry, and scholia, and also those of Thomas Magister (Secretary of Andronicus II, 1282-1328). — Collated by Sirleto for Victorius, who is the first to refer to the MS., but whose better readings he failed to adopt. Elmsley's collation of Agam. appears in *Museum Criticum* 2. 457 and in Blomfield's edition; and of Eum. in Linwood (1844). Bekker collated the MS. for Hermann.

Triclinius usually differentiates his own scholia (by a cross or by *ἡμέτερα*) from those derived from another source. *σχόλια παλαιά* are mentioned in Agam. and Eum. The scholia of Thomas Magister are referred to in those on Prom. Sept. Pers. Cp. Vind. 7. Dindorf, *Philol.* 20 (1868), 30-47, printed Triclinius' scholia to Agam. (in better form in Van Heusde's ed. 1864), 386-411 Thomas Magister's on Sept.; in *Philol.* 21, 193-225 those of Triclinius on Sept. Schol. on Prom. in Smyth, *Harv. Stud. in Class. Philol.* 32 (1921), 1-98. Cp. Wilamowitz, *Die Ueberlieferung der Aeschylos-Scholien in Hermes* 25 (1890), 161-170.

90. Neap. 5: 189 (II. F. 32). Prom. +. Schol. Gloss. 8°, .217 × .147; ff. 79. XV.

91. Neap. 6: 190 (II. F. 33). Prom. (174-end), Sept. +. Schol. Gloss. 8°, .214 × .150; ff. 131. Late XV.

PERUGIA

*Biblioteca Communale*¹

92. Per.: H 56. Prom. Sept. Pers. +. Schol. Gloss. .217 × .140; ff. 189. XV.

ROME

Biblioteca Apostolica Vaticana

I. Codices Barberiniani²

93. Rom. 1: Barb. 1 (= 1.1) 4 (formerly 295). Γνωμαί from Prom. Sept. Pers. (41^r-48^v). +. 12 mo., .127 × .084; ff. 186. XIV.

Written in Southern Italy (Ratti).

94. Rom. 2: Barb. 2 (135): Prom. Sept. Pers., Vita, Arg. (except to Pers.). Schol. Gloss. 4°, .226 × .163; ff. 113. XVI.

The table of contents on fol. 1 is in a French hand, and the binding of the book is French. Cardinal Barberini was papal nuncio in Paris in the first part of the seventeenth century.

II. Codices Ottoboniani³

95. Rom. 3: Ottob. 1 (185). Prom. Sept. Arg. to Sept., Schol. Gloss. .219 × .144; ff. 75. XVI.

Fol. 38^v ἡ βιβλος ταύτη ἐστὶν ἐμοῦ Δημητρίου Παοῦλ τοῦ (the next word is illegible). — "E codicibus J(oannis) A(ngeli) ducis ab Altaemps ex Graeco msto."

96. Rom. 4: Ottob. 2 (192). Scholia to Prom. Sept. Pers. +. .160 × .116. XVI-XVII.

Two volumes in one (ff. 470. Aesch. 312^r-470^r). In the Catal. the MS. is wrongly entered as no. 132.

97. Rom. 5: Ottob. 3 (210). Prom. Sept. +. Gloss. .216 × .160. XV-XVI (?).

The part containing Aeschylus (65^r-130^v) is written by two hands, the earlier of which is of the XV cent. The part containing Hesiod's W. D. is dated 1364. — "Ex codicibus Jo. Angeli ducis ab Altaemps."

¹ Allen: Centralblatt für Bibliothekswesen, 10 (1893) no. 21. Mazzatini: Inventari dei MSS. delle biblioteche d'Italia 5 (1895).

² S. de Ricci: Liste sommaire des MSS. grecs de la Bibliotheca Barberina in Rev. des Bibliothèques 17 (1907), 81-125.

³ Feron-Battaglini: Codices manuscripti graeci Ottoboniani, 1893.

98. Rom. 7: Ottob. 5 (346). Prom. Sept. Pers. (1-1031). Vita, Arg., Schol. Gloss. .206 × .135; ff. 228. XVI.

From Altaemps' library.

III. Codices Palatini ¹

[99.] Rom. 8: Pal. 1 (18). Prom. Sept. Pers., Schol. 4°, .298 × .195; ff. 165. XVII.

A copy of Heid.-Pal. 18 (no. 37).

100. Rom. 9: Pal. 2 (51). Scholia to the seven plays. +. Arg. to Pers. Fol., .335 × .226; ff. 329 (Aesch. 225-329). XVI.

Stevenson's catalogue is in error in inferring that the MS. contains no scholia to Ch. Eum. Suppl. There is no indication of formal separation between Agam. and Ch. and between Ch. and Eum. Foll. 315^r-316^r Agam., with last schol. on ἀηδῶν βίον v. 1145, followed immediately by schol. on Ch. (ff. 316^v-321^r), with first schol. on ἰαλτός v. 22, last schol. on γορίας v. 1067; schol. on Eum. 321^r-326^r, on Suppl. 326^v-329^v. — Folios 1-52 were written in 1549.

101. Rom. 10: Pal. 3 (59). Schol. on Prom. Sept. Pers. +. Fol., .305 × .205; ff. 296. XVI.

102. Rom. 11: Pal. 4 (139). Prom. Sept. Pers. +. Vita, Arg., occasional variants, Glosses in Latin. 4°, .216 × .195; ff. 339. XV-XVI Catal., XV Ratti.

This composite MS. was written in part by Ἀριστόβουλος Ἀποστολίδης (1465-1535), in part by an Ἐμμανουήλ, the scribe of Par. Suppl. 96 (XV). Cp. Vogel-Gardthausen pp. 42, 118, who refer the portion containing Theognis (as also part of Pal. 149) to the latter scribe (XVI).

103. Rom. 12: Pal. 5 (151). Pers. with Arg. +. 8°, .209 × .155; ff. 322. XV Catal., XVI Merkel.

104. Rom. 13: Pal. 6 (287). Prom. 1-216, 327-666, 787-end), Sept. (1-100, 225-666, 891-end), Pers. +. Arg. except to Prom. (f. 212 has been torn out). Some Schol. Gloss. (interlinear corrections to text in a smaller Greek and Latin hand). Fol., .315 × .215; ff. 237. Parchment. Early XIV Wilam., XIV (Schol., end XIV) Ratti, XIV-XV Catal.

The volume was once the property of a Κάρολος, in praise of whom Musurus wrote (in 1511) ten iambic lines on a sheet added to the MS. — Flor.

¹ H. Stevenson senior: Codices manuscripti Palatini graeci, 1885.

32.2 once formed the second part of a complete Pal. 287, which was the only MS. containing all the extant plays of Euripides. Cp. Robert, *Hermes* 13 (1878), 133-138.

105. Rom. 14: Pal. 7 (319). Prom. (185-end), Sept. (1-625). +. Arg. to Sept. Occasional corrections in the hand of the text. 4°, .223 × .153; ff. 395. XIV Merkel, Ratti, XV-XVI Catal.

106. Rom. 15: Pal. 8 (344). Prom. Sept. Scholia only on 1^v-4^v. Fol., .320 × .213; ff. 39 (36^v-39 blank). XVI.

IV. Codices Reginae Suecorum ¹

107. Rom. 16: Reg. Suec. 1 (92). Prom. Sept. Pers. +. Vita, Arg. to Prom. Pers., Schol. Gloss. Fol., .290 × .200; ff. 173. Silky paper. XIV-XV Catal., XV Ratti.

108. Rom. 17: Reg. Suec. 2 (155). Prom. Sept. Vita, Arg. Schol. 4°, .210 × .147; ff. 61. XV.

From the library of P. Bourdelot.

V. Codices Vaticani ²

109. Rom. 18: Vat. 1 (57). Prom. (1-728, 853-end), Sept. Pers. (1-419, 725-end). +. Vita, Arg., Scholia, many Glosses. 4°, .219 × .163; ff. 165. XIV.

R in Wilam. — The writing resembles that of Reg. Suec. 31, dated 1282 (Franchi de' Cavalieri et Lietzmann, *Specimina cod. graec. Vat.*, 1910, p. 37).

110. Rom. 19: Vat. 2 (58). Prom. Sept. Pers. +. Vita, Arg., Schol. Gloss. 4°, .220 × .150; ff. 116. XV Mercati.

The writing resembles that of Reg. Suec. 57 and Ottob. 381.

111. Rom. 20: Vat. 3 (59). Prom. Sept. +. Arg. to Prom., Vita, Schol. Gloss. (neither for Prom. 223-970), 4°, .217 × .147; ff. 173. XV.

The writing is like that of Vat. 302.

¹ H. Stevenson senior: *Codices manuscripti graeci Reginae Suecorum*, 1888.

² Franchi de' Cavalieri-Mercati: *Codices Vaticani graeci* 1 (cod. 1-329), 1923.

112. Rom. 21: Vat. 4 (711). Gnostic passages from Aesch. (125^r-126^r) preceded by similar selections from Euripides and Sophocles. +. .141 × .110; ff. 321. Early XVI Ratti.

113. Rom. 22: Vat. 5 (912). Prom. Sept. Pers. Vita, Arg. except to Pers., Schol. Gloss. (on Sept. 1-21, Pers. 1-380). 4^o, .215 × .142; ff. 122. XVI.

114. Rom. 23: Vat. 6 (920). Prom. (1-696), Sept. Pers. +. Arg. to Sept. Pers., Schol. Gloss. .217 × .145; ff. 353 (Aesch. 222^r-288^r). XV.

Written in different hands. The original MS. has been divided into two parts, now bound in separate volumes: (1) ff. 1-174 (.217 × .145), (2) 175-353 (.255 × .188). On 221^v, at the end of Soph. O. T., the scribe dates his MS. 1438; on 267^r, at the end of Sept., he mentions the year, but the letters are effaced. The scribe of part 1 on 89^r calls himself *ὁ ἀμαρτωλὸς Μελέτιος*.

115. Rom. 24: Vat. 7 (1332). Prom. Sept. Pers. +. Vita, Arg., many Schol. and Gloss. (except on Prom. 593-876). 4^o, .256 × .181; ff. 230. XIV.

From the library of Fulvio Orsini (de Nolhac, p. 346).

116. Rom. 25: Vat. 8 (1360). Prom. Sept. Pers. +. Vita, Arg., Schol. Gloss. 4^o, .278 × .189; ff. 124 (124 and three unnumbered leaves are parchment). End XV de Nolhac, XV-XVI Ratti.

From the library of Fulvio Orsini.

117. Rom. 26: Vat. 7 (1459). Prom. Sept. Vita, Arg., few marginal and interlinear notes. .201 × .153; ff. 63. XV-XVI.

Fol. 1 *Ὠρατίου Μαλαγουτζίου* (his family came from Reggio Emilia, according to Ratti).

118. Rom. 27: Vat. 10 (1464). Scholia to the seven plays. +. Fol., .215 × .155; ff. 213. Early XVI.

According to de Nolhac the MS. may have belonged to Fulvio Orsini. The writer notices a few readings: Prom. 8 *ἐπιστολάς· ἐντολάς· γράφεται καὶ ἐπιτολάς, διὰ τοῦ σ κατὰ Ἀθηναίους*. Agam. 1148 *ἀγῶνα· γράφεται αἰῶνα*.

119. Rom. 28: Vat. 11 (1476). Scholia to Prom. Sept. Pers. Fol., .303 × .225; ff. 25. Silky paper. XVI.

120. Rom. 29: Vat. 12 (1824). Prom. (except vv. 787-882, 1072-end), Sept. (except vv. 23-188, 283-470, 560-652, 743-end). +. Vita, Arg., Schol. Gloss. .224 × .154; ff. 88. XIII-XIV.

Leaves 54-80 are disordered. A part of this MS. is found in Vat. 1825.

121. Rom. 30: Vat. 13 (1826). Prom. +. Vita, Arg. .211 × .147 (Aesch.); ff. 481. XVI (Aesch.).

122. Rom. 31: Vat. 14 (1892). Prom. (except 450-698, 926-end). +. Gloss. .215 × .149; ff. 244. XV.

Leaves 30-53 are out of order (30-37, 46-53, 38, 40-45, 39).

123. Rom. 32: Vat. 15 (2222). Prom. Sept. Pers. +. Vita, Arg., Schol. Gloss. .213 × .148; ff. 351. XIV-XV.

From the library of Cardinal Salviati.

124. Rom. 33: Vat. 16 (2248). Prom. Sept. +. Vita, Arg., Schol. Gloss. .215 × .151; ff. 322. Early XVI.

*Biblioteca Vallicelliana*¹

125. Rom. 34: Vall. 1 (15 = B 70). Prom. (187 Dind.⁴-end), Sept. Pers. Schol. Gloss. 4°, .163 × .118; ff. 206 (some blank; 101 belongs after 92). XIV.

126. Rom. 35: Vall. 2 (67 = E 21). Excerpts *περὶ ζῶης* from Aesch. and twelve other writers. +. 4°, .260 × .180; ff. 579. XIV ff.

127. Rom. 36: Vall. 3 (75 = E 61). Verses and apophthegms from Aesch. and fifteen other authors. +. 4°, .238 × .162; ff. 185. XVI.

128. Rom. 37: Vall. 4 (99 = F 58). Apophthegms and verses from very many authors and illustrious men. +. 4°, .221 × .163; ff. 307. XV.

¹ Martini: *Catalogo di manoscritti greci esistenti nelle biblioteche Italiane* (1902).

*Biblioteca Nazionale Vittorio Emanuele*¹

129. Rom. 38: Vitt. Em. 5. Agam. Arg. Schol. 8°, .211 × .147; ff. 32. XV Wilam., XVI Catal.

E in Wilam. — In addition to the marginal scholia, which, though not numerous, occur on nearly every page, and often refer to the metrical constitution of the text, there is a special collection (to vv. 2-221) at the end (30^r-32^v). The MS. is ill preserved throughout (especially ff. 1, 29-32) and parts are missing. According to Wilam., with the exception of some readings, text and scholia seem to be taken from Laur. 31. 8.

SIENA

Biblioteca Comunale

130. Sen.: 1. 9. 4. Sept. (fol. 1-59^v). +. .213 × .145; ff. 76 (3 blank). XVI.

From the collection of Abbot Giuseppe Ciaccheri.

TURIN

*Biblioteca Nazionale dell' Università*²

131. Taur.: 253. Prom. Sept. (1-841). Schol. Gloss. 4°; ff. 79. XVI.

This MS. was damaged chiefly in its marginal scholia by the fire that destroyed a great part of the library in 1904.³—Peyron's collation of Sept. with the text of Schütz (1809) appears in his *Notitia librorum qui donante Valperga-Calusia illati sunt in Reg. Taur. Ath. bibl.*, 1820; reprinted in *Class. Jour.* 26 (1822), no. 51, p. 25.

¹ Tamilia: *Index codicum Graecorum qui Romae in Bybliotheca Nationali olim Collegii Romani adservantur*, in *Studi Ital. di Filol. Class.* 10 (1902), 223-226. Brief notice by Vitelli in *Museo Italiano di Antichità Classica* 3 (1890), 311.

² Pasinus: *Codices manuscripti bibliothecae Regii Taurinensis Athenaei* 1. 369 (1749).

³ Gaetano de Sanctis: *Inventario dei codici superstiti greci et latini antichi della Biblioteca Nazionale di Torino* (1904), p. 414, no. 156 (extracted from *Rivista di Filol. Class. ed' Instruzione Classica* 32).

VENICE

*Biblioteca Nazionale di San Marco*¹

132. Ven. 1: Venetus (or Marcianus) 468. Prom. Sept. Pers., List of plays, Agam. (1-348). Vita, Arg. to Agam., Schol. Gloss. (neither to Agam.). Large folio, .340 × .248; ff. 190. Thick paper, somewhat glossy. XIII-XIV.

Ven. 1 in Butler, Ven. 2 in Franz; Ven. A (Pers. Sept.), Bess. (Prom. Agam.) in Herm.; a in Weckl. Kirch.; B in Weil, Sidg., Mazon; V in Wilam. The MS. is often called 'Bessarionus' from its former owner. — First used by Butler, whose readings were sent to him by Morelli (1745-1819), Prefect of the library. Collated by Bekker for Hermann, by Franz and by Wilam. Described (as A) by Merkel, p. 18. — Removed to Paris and returned, as were also nos. 2 and 3. — The scholia appear in the edition of Stephanus (1557). — According to Dindorf (Aesch.⁵, p. v) this may be one of the 238 MSS. which Aurispa, in a letter to Ambrogio Traversari, reports that he had in Venice. (In Nov. 1423 Aurispa left Constantinople for Venice and Milan in the train of the Emperor.) In his preface to the edition of Hermann, Haupt (and later Franz) regarded the MS. as taken from M before Agam. had lost 1067-1159. In fact it resembles M better than Neap. 188, Flor. 31. 8, and Ven. 616. According to Wilam. the part containing the list of plays, the Arg. to Agam. and vv. 1-348 were derived from another recension and joined to a MS. containing Prom. Sept. Pers.

133. Ven. 2: 470. Prom. Sept. Pers. +. Vita, Arg. (Sept. Pers.), Schol. Fol., .344 × .240; ff. 303. Parchment. XV.

Ven. 1 in Schütz, Dind. Possibly a copy (in part) of 468, made by order of Cardinal Bessarion and dated in his own hand. — Collated by Morelli

¹ Zanetti and Bongiovanni: Graeca D. Marci bibl. codd. MSS. per titulos digesta, 1740. — MSS. 468, 470, 616, formerly a part of the library of Cardinal Bessarion, and presented by him in 1468, here retain the numbers of the catalogue. When these MSS. were in the library of the Ducal Palace in Venice they were designated as XCI. 4 and XCI. 5, 468 receiving the same designation as 470, a confusion reproduced by some modern scholars, and not remarkable since five or more other MSS. in that library had one and the same signature. XCI. 4 is now a common designation of 468. The fourth MS. (Marc. Class. XI. 7), which received that designation after it was transferred to the Ducal Palace, does not appear in the Catalogue of 1740. For the four MSS. the numbers now used in the National Library, but not published in any catalogue, are 653 (468), 824 (470), 663 (616), 1340 (Marc. XI. 7).

for Butler (his 370), in whose edition its readings first appeared. Used by Herm. for Prom. Stephanus' edition contains the scholia.

134. Ven. 3: 616. Prom. Sept. Pers. Agam. (1-45, 1095-end), Eum. (1-581, 645-777, 808-end). +. Vita, Arg., Schol. (metrical), especially on Eum., otherwise rare; scarcely any Gloss. Small folio, .318 × .215; ff. 123. Parchment. XV.

V in Weil, Sidgwick; Ven. 1 in Franz; Ven. 2 in Butler; Ven. (for Agam. Eum.), Ven. 3 (for Prom.), Ven. B (for Sept. Pers.) in Herm.; g in Weckl., Blass; b in Kirch.; G in Wilam. — XIII ('circa,' Zanetti), Franz, Herm., Kirch.; XIII-XIV Dind. (Ueber die mediceische Handschrift, I. 60, 76, 87); probably XIV Jebb; XV (early, Mazon), (middle, Merkel, pp. 17, 19-21), Weckl., Sidg., Wilam. — Morelli's collation was used for Agam. by Blomfield, for Eum. by Linwood. Collated by Bekker for Herm., and by Franz.

135. Ven. 4: Marc. Class. XI. 7. Prom. Sept. Pers. +. Gloss. Fol., .289 × .203; ff. 294 (many blank). Shiny paper. XV.

Transferred to the Marciana from the library (no. 37 in the catalogue) of SS. John and Paul.

PALESTINE

JERUSALEM

Βιβλιοθήκη τοῦ Μετοχίου τοῦ Παναγίου Τάφου¹

136. Hieros. 1: 42. Prom. Sept. Vita, Arg. List of plays. Schol., Gloss. 4°. XV-XVI.

137. Hieros. 2: 143. Prom. +. Schol. XV.

¹ Formerly in Constantinople (Bethmann in Pertz' Archiv d. Gesellschaft für ältere Geschichtskunde, 1847, MSS. nos. 1, 2); now in Jerusalem (Παπαδόπουλος Κεραμεύς: 'Ιεροσολυμιτική βιβλιοθήκη 4 (1899), MSS. nos. 42, 143, pp. 125, 436, 442).

RUSSIA

LENINGRAD

Biblioteka Akademii Nauk
(Library of the Academy of Sciences)

138. Len.: XXAa/1^a. Prom. Sept. (1-988, 1022-1076). +. Vita, Arg., Schol. (on ff. 1-5), Gloss. 8^o; ff. (now) 128. 1474.

XV or XVI Nauck; dated (in cryptogram) 1474, according to Enman, Librarian of the Academy. This date is confirmed by the water-mark of No. 38 (Vladimir), formerly in the Moscow Synodal Library, which was written in 1475. Cp. Sikacheff's treatise on the Palaeographical Significance of Water-marks 1. 34. — Formerly in the library of the Monastery of the Serbian Patriarchs in Petsch or Spek in Old Serbia; later in that of Alexander von Hilferding. — Described by Nauck, *Über eine dem Herrn A. von Hilferding gehörige griechische Handschrift* in *Bulletin de l'Académie Impériale des Sciences de St.-Petersbourg* 6 (1863), 296-317, reprinted in his *Mélanges Gréco-Romains* 2 (1864), 489-518, where it is collated in full, with a report of all the scholia to Prom. 1-60 and of the principal variations from Dindorf's text of the same. In Nauck's opinion the MS. agrees in general with Par. 2782 A but presents a much more correct text. — A further examination has been made by Shagin in *Bulletin de l'Académie des Sciences de l'URSS* (1927), 499-509.

MOSCOW

Gosudarstvennyi Istoricheskiĭ Muzeĭ
(Historical State Museum)

139. Mosc. 1: A 172. Prom. Sept. (1-827). +. Schol., .203 × .135; ff. 141. XV-XVI.

This MS. and no. 140 are numbered A 172, A 173 in the supplement to the Chludov collection.

140. Mosc. 2: A 173. Prom. (1-1065), Sept. (1-1058). +. Schol., .205 × .150; ff. 169. Written by different hands (XV and XVI).

141. Mosc. 3: 505 (Matthaei 392). Prom. Sept. +. Vita, Schol. Gloss. to Prom. f. 142, Gloss. to Sept. 4^o, .210 × 145; ff. 210. XV or XVI.

Mosc. 2 in Schütz, Herm. — From the Monastery τῶν Ἱβήρων (Arsenius

131). — Nos. 505, 508, formerly in the Synodal (Patriarchal) library (nos. 419, 272), are numbered as in Vladimir's Catalogue.¹

142. Mosc. 4: 508 (Matthaei 259). Prom. Sept. Pers. +. Vita, Arg. Prom. Pers. Glosses (except to Pers.) 4°, .213 × .134; ff. 213 (some blank). XV (?).

Mosc. 1 (Prom., Sept.), Mosc. (Pers.) in Herm. — XV or XIV Schütz, Herm.; XV Matthaei; second half XV, except Sept. (XV–XVI) Veneševič. — Formerly in the libraries of J. B. Rasarius, Maximus Margunius (Bishop of Cerigo) and the Monastery τῶν Ἱβήρων (Arsenius 133). Schütz's report of Matthaei's collation (Lectiones Mosquienses) appears in Butler, Blomfield, Wellauer, and Herm.

SPAIN

ESCORIAL

*Biblioteca del Escorial*²

143. Esc.: T.–1.–15. Suppl. +. Schol., few Gloss. Fol., .310 × .225; ff. 381. XVI.

E in Herm. Sidg., e in Kirch. Weckl. — From Mendoza's library (No. 247 in Graux, p. 270). — Collated by Dietz for Herm. It is said to resemble Paris 2886 and the Medicean.

MADRID

*Biblioteca Nacional*³

144. Mad. 1: XLVII (Iriarte). Prom. Sept. Pers. +. Vita, Arg. to Sept. Pers. Schol. Gloss. 4°. XIV.

The last part of Prom. and the first part of Pers. were written by Constant. Lascaris (d. 1501).

¹ Систематическое описание рукописей Московско́й Синодально́й (Патриаршей) библиотеки ("Systematic description of the MSS. of the Moscow Synodal (Patriarchal) library," part 1 (1894). Older catalogues of the Synodal library by Matthaei, 1776, 1805.

² Miller: Catalogue des MSS. grecs de la bibliothèque de l'Escorial, 1848.

Graux: Essai sur les origines du fonds grec de l'Escorial, in Bibl. de l'École des Hautes Études, vol. 46, 1880.

³ Iriarte: Regiae bibliothecae Matritensis cod. graeci MSS. 1 (1769). This, the only volume published, deals with 125 MSS. in section N. The second volume was to have contained MSS. 126–143 in N, and 106 in O. Of these 124 only 111 are

145. Mad. 2: LXXV (Iriarte). Prom. Sept. Pers. +. Arg. to Sept. Pers. Schol. Gloss. 4°; ff. 239. XIV.

To the major part of the MS., written by Georgius Cinnamus and dated 1344, some passages were supplied by Constant. Lascaris.

146. Mad. 3 (O 37, Iriarte 10). Schol. to Prom. (and Sept. Pers.?). +. Fol., ff. 479. XV or XVI.

Formerly in the collection of the Cardinal de Burgos, then in the Escorial, finally in the National Library in Madrid. Unless there were two similar MSS. — but with different arrangement of the other works included in the composite O 37 — there exists a discrepancy between the statements of its contents. According to Graux, the MS. catalogue of the library of the Cardinal (now in the Escorial, L-1-13) reports (no. 189, p. 426) schol. to Prom. but none to Sept. Pers. According to Miller (X.-1.-16, no. 303, p. 352) from the catalogue of MSS. in the Escorial by Nicholas de la Torre, and the catalogue of the Madr. MSS., p. 79, the MS. contains scholia to the three plays. Graux, p. 74, states that the MS. was in the National Library in 1880; in 1914, the assistant librarian was unable to locate it for me. Unless temporarily misplaced, it is to be numbered with the MSS. no longer extant (pp. 59-61).

SALAMANCA

*Biblioteca de la Universidad*¹

147. Sal.: 1. 2. 13. Prom. (1-1042), Eum. (1-98 with many omissions), Sept. (1030-1048). +. Vita, Arg. to Prom. Eum., Schol. to Prom. 4°. XV or XVI.

SWITZERLAND

GENEVA

*Bibliothèque de la Ville*²

148. Gen.: 48. Scholia to Prom. Sept. Pers. Vita. ff. 183; .152 × .105. Parchment. XVI.

For MSS. excluded from this list, see pp. 54-55.

MSS. properly so called, and these are registered (in Arabic numerals) by Miller: Catalogue des MSS. grecs de la Bibliothèque Royale de Madrid 1886 (Supplement to Iriarte's catalogue). Cp. Graux's *Essai* mentioned under Escorial.

¹ Graux-Martin: *Notices sommaires des manuscrits grecs d'Espagne et de Portugal*, in *Nouvelles Archives des Missions scientifiques et littéraires*, 2 (1892).

² Omont: *Supplément au Catalogue des MSS. grecs des bibl. de Suisse*, in *Centralblatt für Bibliothekswesen* 8 (1891), 25.

SUMMARY

Seven Plays

49, 59, 69.

Five Plays

Prom. Sept. Pers. Agam. Eum.: 66, 89, 134.

Prom. Sept. Pers. Eum. Suppl.: 32.

Four Plays

Agam. Ch. Eum. Suppl. 73.

Prom. Sept. Pers. Agam. 132.

Three Plays

Prom. Sept. Pers.: 3, 9, 10, 16, 23, 24, 25, 26, 27, 31, 33, 37, 39, 52, 54, 55,
 56, 60, 61, 62, 63, 64, 67, 68, 74, 75, 76, 80, 81, 82, 87, 92, 94, 98, [99], 102,
 104, 107, 109, 110, 113, 114, 115, 116, 123, 125, 133, 135, 142, 144, 145.

Prom. Eum. Sept.: 147.

Two Plays

Prom. Sept.: 1, 4, 5, 14, 17, 18, 22, 34, 50, 53, 57, 58, 65, 72, 78, 86, 91, 95,
 97, 105, 106, 108, 111, 117, 120, 124, 131, 136, 138, 139, 140, 141.

Sept. Pers.: 85.

Unnamed: 8 A.

One Play

Agam.: 129.

Eum.: 47.

Pers.: 11, 13, 71, 103.

Prom.: 12, 19, 28, 38, 46, 51, 70, 84, 90, 121, 122, 137.

Sept.: 48 (+ Prom. v. 1), 130.

Suppl.: 143.

(Prom. in 101 MSS., Sept. in 93, Pers. in 63, Agam. in 9, Eum. in 9, Suppl.
 in 6, Ch. in 4.) Excluded are MSS. later than the 16th century.

Fragments of Other Plays

8 (Niobe), 35 (Carians or Europe).

Only Scholia

Seven plays: 100, 118.

Prom. Sept. Pers. Agam. Eum. Suppl. 20, 42.

Prom. Sept. Pers. Agam. Eum. 7.

Prom. Sept. Pers. 2, 6, 21, 29, 30, 36, 40, 41, 43, 44, 96, 101, 119, 146 (?), 148.

Prom. Sept. 88.

Prom. 15.

Excerpts

77 (Prom.), 83 (locutions from Prom. Sept. Pers.), 126.

Gnomic Verses

93 (Prom. Sept. Pers.), 79, 112, 127, 128.

Publications mentioned in different parts of the Catalogue

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Dähnhardt: Scholia in Aeschyli Persas, 1894.
Dindorf: Ueber die medicäische Handschrift des Aeschylos und deren Verhältniss zu den übrigen Handschriften (Philol. 18 (1862) 55-93; 20 (1863) 1-50, 385-411; 21 (1864) 193-225).
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Francken: Disputatio critica de antiquarum Aeschyli interpretationum ad genuinam lectionem restituendam usu et auctoritate, 1845.
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Merkel: Aeschylus in italienischen Handschriften, 1868.
Montfaucon: Bibliotheca bibliothecarum manuscriptorum nova, 1739.
Nolhac, P. de: La bibliothèque de Fulvio Orsini, 1886.
Pierron: Notice critique sur le Parisinus L d'Eschyle (Annuaire de l'Association pour l'Encouragement des Études Grecques en France, 3, 1869, 22-41).
Schmidt, M.: Aus Wiener Handschriften (Sitz.-ber. d. Kais. Akad. der Wissenschaften, 21, 1856, 278-282).
Sylburg: Catal. codicum Graec. MSS. olim in Bibl. Palatina nunc Vaticana asservatorum, 1701.
Vauvilliers: Notice de 5 MSS. d'Eschyle de la Bibliothèque du Roi (Notices et Extraits des MSS. de la Bibl. du Roi, 1, 1787, 281-340).
Vauvilliers: Notices du Prométhée d'Eschyle, des Sept à Thebes, des Perses, MSS. de la Bibl. du Roi (Notices et Extraits 4, an 7, 89-186).
Vogel und Gardthausen: Die griechischen Schreiber des Mittelalters und der Renaissance, 1909.
Zeune: De varietate lectionis in tres Aeschyli tragoedias priores ex cod. MSS. Acad. Vitenb., 1780.

The history of the manuscript tradition of the extant dramas of Aeschylus¹ covers a period of over two thousand years — the fifth and fourth centuries B.C., the Alexandrian age (some 250 or 200 years), the Roman (some 350), the Byzantine; the Renaissance; and thereafter until the art of the scribe was supplanted by that of the printer. The history of the transmission of the text, though at times interrupted, may for convenience of presentation be here divided into two main periods. The first period, that represented by no extant MS., begins with the lifetime of the poet and embraces some fifteen hundred years. The second period begins with the composition of the Medicean, the oldest extant MS., about 1000 A.D., and includes all other existing MSS.

The textual critic starts his pursuit of the history of the text in the hope that he may arrive at his ultimate goal; the very words of the poet's own archetype. In the end, for all his searching for possible evidence, he is persuaded that his hope is vain and that the conclusions he may venture to reach are based on inference alone.

The text was presumably written, either by the poet himself or at his dictation (or by both), on papyrus,² the importation of which — probably as early as the sixth century — ultimately made possible the making of "books." His copy will have contained no accents (a later invention), scarcely any indication of the separation of words, no marks of crasis or elision, no doubling of letters, few or no marks of punctuation, no designation of the dramatic characters; a final consonant was usually assimilated to the initial consonant of the following word. The dialogue parts were separated into verses as in epic hexameters, the lyric passages were written continuously as in prose. It has been claimed by some that Aeschylus used the Ionic alphabet, which, found in certain forms as early as the middle of the fifth century in public and private inscriptions, gradually became more common, until, by the decree of Archinus in the archonship of Euclides (403-02), it was prescribed in elementary school instruction. On the other hand, it is maintained that the poet employed the Old Attic

¹ Most fully summarized in Wilamowitz' *Einleitung in die attische Tragödie* in the first volume of his edition of Euripides' *Herakles* (1889). Also his edition of Aeschylus (1914).

² In Suppl. 761 βῆβλος is used of *food*.

alphabet and that his text was subsequently made to conform to the later standard of orthography. It is reasonable to assume that all persons concerned in the production of a play of Aeschylus in his lifetime used the same alphabet, the Old Attic rather than the Ionic — the poet himself, the archon, who read the play before he granted a chorus, for its presentation, the actors and the members of the chorus, each of whom must have had a copy to study his lines. Since in the absence of papyrus MSS. of the fifth century the actual evidence rests on the authority of the Medicean MS. written fifteen centuries later, it is impossible to reach a certain conclusion.¹

Aeschylus designed his plays more for the reading public than for their actors. During his lifetime his personal superintendence of rehearsals and the players' possession of copies of his plays made for their use in studying their parts, prevented any modification of his original text except such as was made by himself or accepted by him if made at the suggestion of others. The alterations, ascribed by the ancients now to poets, now to actors, belong therefore presumably to the period, after his death, when his plays were reproduced. So highly was Aeschylus esteemed by his fellow-citizens that, by a special ordinance, the archon was empowered to 'grant a chorus' to any one who should offer to present his dramas at the ordinary annual contests; in which case a tragedy composed by him was exhibited in his name and not as an old drama — the dead poet was treated as still alive and thus brought into competition with his two living rivals.² It is in recollection of this honor that Aristophanes in the *Ranae* (866 ff.) represents Aeschylus in Hades as declining to match his poetry against that of Euripides — "mine did not die with me, his died with him" — he has it with him to recite. (In the fourth century the older poet cannot well have been represented as indulging in such a sarcasm.)

Diminishing thereby the admiration of the Athenians for their ancient dramatist, Quintilian makes the possibly inexact statement,

¹ The question is discussed at length by Rudolf Herzog (*Die Umschrift der älteren griechischer Literatur in das ionische Alphabet*, 1912, pp. 90-96), who supports the contention that Aeschylus' original text was written in Old Attic. Litchfield, *Harv. Stud. in Class. Philol.* 23 (1912), thinks that, in the case of Thucydides at least, his own copy showed both alphabets.

² Reproduction of the *Septem* may be inferred from *Phoen.* 751 ff., *Suppl.* 857 ff.; of the *Oresteia* from *El.* 520-544. Cp. *Nubes* 533 and *Acharn.* 10.

unsubstantiated at least by the rhetorician and elsewhere unsupported in antiquity, that many of the victories won by Aeschylus after his death were won by poets, who, according to public decree, were granted permission to exhibit Aeschylus' plays contingent upon their amendment of his 'rough and unpolished' style.¹

Of poets who produced any drama of Aeschylus for the first time only one is known. His son Euphorion brought out several (tradition says four) plays left unpublished by his father. Philocles, son of Aeschylus' sister, defeated the group of Sophocles' plays that included the *Oedipus Tyrannus*; Philocles' sons Morsimus and Astydamos were also poets. But it is unknown whether any of these relatives of Aeschylus, availing themselves of the right they shared with Euphorion and other Athenians, reproduced any one of his dramas.

It is unlikely that, in the generation after the death of Aeschylus, the aesthetic sensibilities even of the Athenian democracy should have been so fastidious as to debar the revival of his dramas solely on the ground of the infelicities of an outmoded diction and to intrust to the poets of that time the restoration of good taste.² Later in the fifth century, the fame of the old poet had sensibly declined especially among the younger generation.³ The Athenians had become accustomed to the more varied and more subtle art of Sophocles and particularly of Euripides, an art lacking indeed the antique austerity and grandeur of their predecessor, but more akin to the ways and habits of thought of the time, to a diction rhetorical, but less elevated or obscure; and to an art characterized by greater ingenuity in the management of the details of plots, by pathetic episodes, and by modifi-

¹ Quint. Inst. Or. 10. 1. 66: *tragoedias primus in lucem Aeschylus protulit, sublimis et gravis et grandiloquus saepe usque ad vitium, sed rudis in plerisque et incompositus; propter quod correctas eius fabulas in certamen deferre posterioribus poetis Athenienses permiserunt, suntque eo modo multi coronati.*

² In Arist. *Ranae* 808 Aeschylus is said "not to be on good terms with the Athenians" in Hades; best explained as an allusion to his unpopularity, during his lifetime, because of some of his political opinions. Yet, in v. 809, he is said to hold all the rest of the world (i.e. outside of Athens) as mere trash in judging of the poetic faculty.

³ In Aristophanes' *Acharn.* 10, old Dicaeopolis, expecting to see a play of Aeschylus, to his disgust saw one by a new-fangled poet. In *Nubes* 1364-76 old Strepsiades wishes to hear something by Aeschylus; his son reads to him a 'bombastic, ranting, and rugged' passage.

cation of myths already handled by Aeschylus. In the last part of the fifth century and throughout the fourth, poets may have sought not only to gain a local, but unofficial, reputation but also to secure a continuance of the earlier appreciation of the art of Aeschylus by introducing textual alterations in conformity to the prevailing standard of taste, and therewith to win a victory for the drama reproduced by them under his name. Such modifications, however, will have been other than the correction of isolated infelicities of a 'rough and unpolished' style. Inspired in part by Euripides' criticism of Aeschylus' dramatic technique,¹ these poets—familiar with Aeschylus both by revivals of his plays and by copies of their text mechanically produced in the book-trade²—may have reworked shorter or longer passages, preserving withal the normal character of the distinctive flavor of Aeschylean diction, which, because less difficult to imitate than that of Sophocles or Euripides, enabled them more easily to escape detection.

The fourth century was devoted less to the cultivation of the drama than to the cultivation of the art of acting. The actors, says Aristotle (*Rhet.* 1403 B 33), were of more importance than the poets. Victories in the tragic contests were won by the actor, not by the poet. In the first half of the fifth century the actors were chosen by the poet; in the fourth century (as in the latter half of the fifth), by the State; and each of the protagonists in turn acted in one of the three tragedies of each poet.

To compensate for the dearth of original dramatic genius, the dramas of Aeschylus, Sophocles and (especially) Euripides were revived and became an official part of the tragic contests. Beginning in 386 B.C., the custom became common that an old drama should precede the contest between new tragedies by living authors at the City Dionysia, and possibly also at the Lenaea. At the Rural Dionysia the actors, who came from Athens, usually reproduced old plays. This revival of old dramas was now the care of the actors, not (as in the fifth century) that of other persons.

¹ Cp. *El.* 520–544 (*Oresteia*, cp. *Nubes* 533), *Phoen.* 751 ff., *Suppl.* 857 (*Septem*).

² For the reading public, see e.g. *Arist. Ran.* 52–53, 1113–1116. Aristophanes will not have derived his knowledge of the words of Aeschylus from a reproduction of his plays.

The various arbitrary interpolations, excisions, shifting of verses, and other changes introduced by the actors¹ — and presumably registered by them in their stage-copies — had worked such confusion by the third quarter of the fourth century as to provoke the intervention of the State. By the statutory provision introduced by Lycurgus, finance-minister at Athens from 338 to 326 B.C., it was ordained that a public copy² of the text of the three great tragic poets, with which the acting versions should be compared, should be deposited in the State archives, and that it should be illegal for the actors to follow any other text than that of this single copy. There is no evidence that this copy had been subjected to scholarly scrutiny or indeed that it was made either from the poets' autographs or from transcripts of those

¹ It might be surmised — though there is no certain evidence to that effect — that alterations made by actors were designed to enable them to display their faculty for acting certain roles, especially those productive of theatrical effect. According to a much disputed passage in Arist. Pol. 1333 B 27, Theodorus permitted no player, however insignificant, to precede his entrance. Flickinger (*The Greek Theatre and its Drama*, p. 191) thinks that some modification of the text might have been necessary either if Theodorus simply took the role of the first character or so altered the play that the character which he was to take appeared at its beginning. Good poets, says Arist. Poet. 1451 B 36, compose 'episodic' (spun-out) plots or actions 'on account of the players'; interpreted by Bywater to mean that the drama was to be *acted*, not that the poets were constrained by the actors to introduce parts suitable for their individual excellencies. — It will be remembered that Colley Cibber, who was however a poet as well as an actor, and Garrick, altered the text of Shakespeare.

² Plut. Vitae X Orat. 847 F; who seems to imply that this copy included the text of all the plays of Aeschylus, Sophocles, and Euripides. Even if it contained a selection of the plays most suitable for acting, as was suggested by Korn (*De publico Aeschyli, Sophoclis, Euripidis fabulorum exemplari Lycurgo auctore confecto*, 1863), it must have consisted of many rolls, each measuring approximately 10 × 7½ to 13 × 7½ inches. (The normal size of a book of poetry was a single drama of at least 1000 verses, at the most of 1800 (about 40 feet in length). Of the older poets, so far as we know, only Epicharmus formed a single book.)

Korn also assumes that the alterations, attributed by the scholia to the actors, were composed in the period between the preparation of the stage-copy and its arrival at Alexandria; and that the passages condemned as inserted for histrionic purposes may have been condemned for aesthetic or logical reasons by the Alexandrians.

It may be observed that the old plays revived in the fourth century are mostly those mentioned by Aristotle and now extant.

originals, and therefore the archetypes of all existing MSS. The expectation of the lawgiver will have been less to free the official copy of the alterations already made by the actors than to prevent their further adulterations of the text. To what extent his decree was effective in Athens is unknown. Certainly it was not officially authoritative elsewhere in the Greek world visited by the travelling 'Dionysiac artists,' by whom not only the existing but also further alterations of the text by actors may have been adopted.

Relying rather on conjecture than on the possession of manuscript evidence, ancient textual criticism, chiefly as recorded in the scholia, recognized the presence of alteration in the texts of the tragic poets, most often in that of Euripides,¹ scarcely at all in that of Aeschylus. The spirit of the age rendered the older poet a less attractive field of study than his more 'human' and more popular successor.

The presence of alteration has been suspected by many modern scholars.² Considerations of space allow here only a registration, without discussion, of most of the passages held to be, or to contain, interpolations or alterations on various grounds—anachronism, inadequacy of dramatic progression and of logical sequence, style, metre, etc. Of the arguments put forward, some are plausible, some are seductive but based on fallacious reasoning.

¹ E.g. Med. 84, 169, 228, 356, Or. 140, 268, Phoen. 264. A spurious prologue to the Rhesus, due to the actors, is cited in the Argument to that play. See Vürtheim's edition of Aesch. Suppl. (1928), pp. 231-248. References to scenic presentation, probably from the stage-director's copy, are attested in the scholia only to Eum. 117-129, Cycl. 485.

² E.g. Agam. 855-913, Ch. 276-296, Eum. 405, 667-673, 682-703, 858-866, Suppl. 444. Difficulties as regards the costume of Xerxes in the Persae have been attributed to a reworking of the play for its reproduction in Syracuse. The end of the Septem has been remodelled under the inspiration of Sophocles' Antigone or even of Euripides' Phoenissae. The original play ended with v. 960 (ἐλξε δαλμων) according to Bergk (Philol. 12. 579); with v. 1009 (πῆμα πατρὶ παρέννον) according to Wilamowitz. The Prometheus acquired its present form about 425 B.C., according to Bethe. Westphal held that its lyrics differ in style from that of the choral passages in the other plays; and that the dactylo-epitrites are unique in Aeschylus. Objections have also been raised on the score of the vocabulary.

For an examination of the passages in question see Weil, Des traces de remaniement dans les drames d'Eschyle (Revue des Études grecques 1 (1888) and Vürtheim's ed. of the Supplices).

Of the MSS. accessible to scholars and the reading public in the Alexandrian age our knowledge is inadequate. For different reasons all were probably more or less faulty. One MS. presumably formed the main authority for the Alexandrian constitution of the text. Ptolemy III (Euergetes), under pretence of having it copied, borrowed from Athens an old MS., probably the official copy of Aeschylus, Sophocles, and Euripides, prepared by the ordinance of Lycurgus. This MS. he kept for the Alexandrian library, and in its place sent to Athens a transcript, of the later history and use of which we actually know nothing. The Lycurgeo copy probably perished in the destruction of the library in 47 B.C. Had it been regarded as containing the veritable text of Aeschylus himself, its authority would have been binding and thus made unnecessary recourse to other MS. (including the stage-versions) assembled by textual critics. An edition, or editions, of the poet may have preceded that of Aristophanes of Byzantium, librarian from 195 to 180 B.C. This scholar, the first known commentator on Aeschylus, was the founder of a sort of vulgate, which, from whatever sources derived, persisted without serious alterations and formed the ultimate basis of existing MSS. His edition, designed rather for the general than for the learned reader, was accompanied by scholia. It divided the lyric parts into verses and strophes, noted alternative readings, and included even verses the genuineness of which may have been suspected by its author. To what extent it introduced his conjectures into the text is practically unknown.

Until the age of Hadrian and its revival of Greek culture, scholars devoted themselves less effectively to textual criticism than to exegesis; but particularly to the writing of commentaries and of lexicographic and glossographic works — studies stimulated by the desire to serve the lively interest in classical poetry as familiarity with its language had gradually declined. In this period remarks on erroneous spellings and accusations against the carelessness of scribes became more rife than in the Alexandrian age. Utilizing in part older materials, the works of the earlier grammarians were continually enlarged or epitomized by their successors. The scholia and glosses were handed down both in learned commentaries and school editions, which had a better chance of preservation than texts unaccompanied by this explanatory material.

Most important of the scholars of this age is Didymus Chalcenterus (first century B.C.). He composed *ὑπομνήματα*, as did Dionysius Thrax before him; a lexicon dealing with the vocabulary of the tragic poets (the learned part of which passed to the existing scholia); editions comprising text, commentary, and scholia;¹ and in general reproduced the learning of the Alexandrians. He also noticed tampering with the text by actors (as on Med. 356).

Diogenianus' epitome of Pamphilus *περὶ γλωσσῶν ἢ λέξεων* (1st cent. A.D.) was still extant in Constantinople about the time of the writing of the Medicean MS. of Aeschylus. At the end of the fifth, or beginning of the sixth, century, Hesychius transferred (with additions) the work by Diogenianus to his lexicon and cited single verses containing words, of which, because they were used in a peculiar sense, he gave explanations. Of these words some had disappeared from the texts, having been supplanted by others more familiar.

In the second century after Christ a selection of seven plays was made by some scholar, the popularity of whose work was ultimately in part the cause of the loss of all the other dramas of Aeschylus. In the latter part of the Byzantine age this selection was reduced to three — the Prometheus, Septem, and Persae.

The ancient scholia were preserved in Byzantine MSS., the formal errors of which (sometimes recognized by the third hand of the Medicean MS.) are due partly to their scribes or editors, partly to their Alexandrian sources.

Some later scholia report ancient learning not found at all, or not in better form, in M. A third source of the scholia and the least valuable — except where they contain old material — is of later Byzantine origin. In the later Byzantine age much attention was devoted to paraphrasing the text, especially when it was obscure, and also to etymology.

The literary papyri from the third century B.C. to the fourth century A.D. present, as yet, no evidence of the tradition of the extant plays of Aeschylus. Judging, however, from the analogy of their presentation of the texts of other poets and of prose writers² — though written

¹ The Didymus papyrus in Berlin contains extracts from Demosthenes' fourth Philippic in the form of lemmata to the scholia.

² Kenyon: *The Evidence of Greek Papyri for Textual Criticism*, 1904.

by provincial scribes for private libraries in Egypt — the text of Aeschylus as transmitted in papyri will not have varied substantially from the vulgate. Many papyri show marginal readings¹ which indicate a certain instability, more pronounced in MSS. of the Ptolemaic age than later, but uninfluenced to any great degree by Alexandrian literary criticism.

As the chief material on which works of Greek literature were inscribed, papyrus had been employed for about a thousand years — from the sixth century B.C. to the fourth century A.D. In the latter century its use had already greatly declined, and the last traces of its appearance come from the seventh century. Parchment, the early use of which in extant MSS. dates from the first century A.D., in the fourth supplanted the use of papyrus.² At the same time the parchment codex took the place of the papyrus roll — a larger book, under one cover, was needed for convenience. (The papyrus codex, a transitional form, used chiefly for Christian literature, appeared in the second century.) With the change to parchment and the codex, the uncial hand now superseded the earlier form of writing. The text of Aeschylus admitted these innovations probably in the fifth or the sixth century.

The forms of writing that appear in the early uncial texts were derived from those employed in the literary papyri, especially of the first and second centuries. The non-literary hand that had been the vehicle for business, legal, and other private documents did not disappear. In the ninth century, by a sudden palaeographic revolution, uncial writing was abandoned in the case of profane literature and its place taken by minuscules, derived with some alteration from the common papyrus-cursive of the time. In the tenth century there were few or no uncial MSS. not biblical.

In the ninth century, with the revival of learning under Photius (ca. 820–ca. 891), many secular MSS. were transcribed into literary

¹ Grenfell and Hunt: *Greek Papyri*, second series, 1897, p. 14 (Soph. Niobe, frag. 442–445), *New Classical Fragments XII* (Eur. Melanippe Desmotis in a late cursive hand). Other papyri containing poetry with scholia: *Odyssey* book 3, a fragment of Alcman. Pindar's *Paeans*, etc.

² Cp. Kenyon: *Books and Readers in Greece and Rome*, 1932. The list of literary papyri in Oldfather's "*Greek literary texts from Greco-Roman Egypt*" shows the great interest in classical literature in Egypt from the first to the third century A.D. and its great decline in the fourth.

minuscules. Arethas, a pupil of Photius, and Archbishop of Caesarea after 907, for example, himself paid for the writing of the Clarkianus MS. of Plato in 895. To the tenth century belong such superior MSS. as Paris. A of Plato and Paris. Σ of Demosthenes.

With the oldest extant MS. of Aeschylus, written late in the tenth or early in the eleventh century, begins the second of the two main periods here assumed in the history of the tradition of the text.

The proximate source of the Medicean was a MS. in minuscules itself derived from a parchment codex copied from a papyrus roll some five centuries earlier. It is improbable that the two scribes of M, or its 'corrector,' should actually have had in their possession an uncial codex of Aeschylus preserved until their own time. Errors in M attributable to uncial writing are therefore to be ascribed to the transcription into uncials made when the parchment codex displaced the papyrus roll.

The possibility, however, cannot be denied that, in addition to a direct or indirect copy of that archetypal codex on which M depended, at least one other copy may have been preserved in a Byzantine edition throughout the seventh and eighth centuries, the dark ages of classical literature. If there did in fact exist such a MS. of the same age or earlier than M, it also may have been an immediate source of the supervising editor and of some readings unknown to M¹ and M², especially in the three plays most read in schools and elsewhere during the Byzantine age.¹

Against the contention that the 'corrector' of M had access to at least one other MS. than that copied by M¹ and M², it may be urged that such an additional MS. cannot well have been essentially different — apart from the presence of scholia — from that which supplied him with the material for his work of revision. The 'corrector' may, however, have relied — apart from his own knowledge of the language — only on material unutilized by M¹ and M² in the one MS. transcribed by them. And, as for the scholia, he may have reserved to himself the entire business of entering them on the margin. It is one question,

¹ As regards the MS. of Sophocles (L) handed down together with the M of Aeschylus, it was the opinion of Jebb that there existed another or other archetypes of equal or of higher age and that from this source or sources our other MSS. of Sophocles are derived.

however, whether M^1 and M^2 had more than one MS. before them; another, whether M^3 did not have more than one. If he actually did have at least one other MS. it will have been one of several copies made in the ninth century, of which copies only M , the oldest, has survived.¹

Two theories have been proposed to explain the relation of the later MSS. to M . Of these, the first assumes that all these MSS. are derived, immediately or mediately, from M , their common original and for them the sole living witness to the tradition of the text. Divergence from M is, on this theory, to be explained as due either to conjectures, which, if felicitous, were within the ability of a grammarian of no great parts, or, if worthless, to the errors of blundering scribes.

This theory was first proclaimed (but without evidence in its support) by Burges in his edition of the *Supplices* (1821, p. 41); asserted, also without evidence, but with characteristic dogmatism, by Cobet in his *Oratio de arte interpretandi* (1847, p. 103);² vigorously championed by Dindorf in *Philol.* 18 (1862); and accepted by Kirchhoff, by Rostagno (but for a time only), and by Wecklein, repenting his earlier disbelief.

The dissidents to this theory point to the infrequency of unity in the differences between the later MSS. and M . In their judgment, such is the character of many of the conjectures and errors (apart from such as are manifestly due to miscopying) that they must be held to be actual survivals of a tradition other than that represented by the model of M . To these scholars M has had a strangle-hold on textual criticism, whereas, in fact, it has no monopoly of correct readings, as indeed no one family of MSS. is worthy of exclusive trust. They do not seek to dethrone M from a seat of authority, but hold it to be an authority not exempt from challenge and not so invariably preëminent that salvation cannot at times be found elsewhere.

To the champions of the exclusive authority of M , the first advocates

¹ It may be noted that Urbina 111 (Vat. 17), the best MS. of Isocrates (X cent.), though marked by important omissions, has the same source (according to Drerup) as Vat. 65 (dated 1063).

² *Ex quo* (i.e. M) *perfluxit quidquid codicum MSS. ubique invenitur*. Of the *turba et farrago variantium lectionum in editionibus*, he says *plerasque incuria fudit et inscitia vel stupor paene incredibilis error, qui quae sunt non intellegebant cum magno taedio describebant dormitantes*.

of a plurality of its sources were adventurous heretics. A disruption of the older theory might indeed have seemed to them a revolution comparable to the denial that the first Gospel was the work of Matthew. In his first edition of the *Septem* (1853) Ritschl doubted the possibility of proving that M was the one and common source of the later MSS. To this position support was given by Heimsoeth,¹ the chief exponent of the theory that texts were altered from glossaries, their explanations having been incorporated therein. Sorof, in his dissertation on the relation of the triad to M (1882), and Dähnhardt in his treatise on the archetype of the MSS. of Aeschylus (1884) found other sources than M in the later MSS. With the adherence of Wilamowitz, Mazon, and others to this opinion the number of the non-conformists to the older theory has so increased that a readjustment has generally taken place — it is now no longer a question of the exclusive authority of M but of the intrinsic proportional values of the later MSS., some of which have been grouped into families.²

The contention that M was the direct or indirect source of all later MSS. is challenged, as regards the *Oresteia*, by the evidence offered by a group of three MSS. the interrelation of which is disputed because tradition and interpolation — scholia confused with text and glosses with various readings — are so often indistinguishable as to present a problem hitherto unsolved. These MSS. are Neap. 188 (N), Laur. 31.8 (F), Ven. 616 (V) — described under nos. 89, 66, 134. Their dating is uncertain, but N is probably older than F or V. The relation of their contents to each other and to M appears in the table on page 48 of the MSS. containing at least two plays of the *Oresteia*.

It may be noted that, in the following cases, a page *ends*: in Agam. with v. 310 (where a hand other than that of the scholiast has *λείπει πολλά*) and with v. 1159; in N with Eum. v. 777. A page *begins* with Agam. v. 1067 in M, with Eum. v. 808 in N, with Agam. 1095 in V.

The presence of refrain — which has at times worked confusion in other texts — is here responsible for the gaps in Eum. If the scribe started with 808–823 and continued with 824–836, he omitted 778–793, 794–807. If he started with 778–793, he continued with 824–836. In either case he omitted a speech of Athene together with an occurrence of a choral ode.

¹ Die Wiederherstellung der Dramen des Aeschylus (1861) and Die indirekte Ueberlieferung des Aeschyleischen Textes (1862).

² In the papyrus MSS. of the tragic poets there are no indications of such groups.

<i>Agamemnon</i>	<i>Choephoroe</i>	<i>Eumenides</i>
1. Complete: Neap. 188 (N)	absent	1-581 (except <i>ποιῶν</i> . . . <i>τιθησι</i> 323-324), 645-777, 808-end
Complete: Laur. 31.8 (F)	absent	As in N
2. 1-310, 1067-1159, Laur. 32.9 (M)	10-end	complete
[Marc. 222, Bon. 2271, Guelph. 4275]	10-end	complete
3. 1-45, 1095-end: Ven. 616 (V)	absent	1-581 (except <i>ποιῶν</i> . . . <i>τιθησι</i> 323-324), 645-777, 824-end

Furthermore N, F, V put Eum. 489 after 485.

From what source (or sources) did N and F derive Agam. entire, whereas the much older M shows two major lacunae in that play? It is scarcely likely that Aurispa's MS., bought by him in Nov. 1923 and in Italy certainly by May 1424, was their model — or at least the model of the older of the two — even if we grant that, on its arrival, M was still unmutilated, at least from Agam. 1160 to the end of the play. Nor is it probable that the lost leaves disappeared exactly in the interval between the arrival of M and May 1424 when it was recognized as defective, presumably from v. 1160 to the end of the play.

Were then N and F copies of another (non-extant) MS. showing no such major omissions as M? And how may we account for the fact that N and F, with their text of Agam. intact, present the same omissions in Eum., which omissions reappear in V, that (by a loss independent of those in M) contains only Agam. 1-45 and 1095-1673?

M and N, F, V show many other points of resemblance and difference, concerning the evaluation of both of which scholars are at variance.

1. N, F, V are descended from a common original, either M or a not distant ancestor of M. Such is the opinion of Sidgwick (App. to Eum., 1902), who assembles cases of their agreement with M in the number and character of their corruptions; and holds that, when they and M have different errors, as also when they have a wrong, but M the correct, reading, their divergence from M is the result of careless copying or unskillful emendation; whereas, when they have the right, but M the wrong, reading, the difference is due to a slight and obvious correction by the scribe and is not to be regarded as possessing the distinction that attends the happy restoration of a difficult text.

2. All three MSS. have a common source, which was *not* M, though they often show the same variants as that MS. (The scholia of N preserve much that is lacking in M.) Such is the opinion of Hermann, Keck, Blass, Wilamowitz, and Mazon.

3. Dispute as to the interrelation of N, F, V is indicated by various conflicting assumptions. Though N is probably earlier than F because it contains Triclinius' scholia on metre, it has been contended that N was copied directly from F and that both had M as their original; furthermore, that F was not a copy of V (Wecklein, *Studien zu Aeschylos*, 1872). V was the source of F and N, and N that of Vind. 5 and Ox. 5 (Schneider, *Prom.* 1834). N was not copied from F or V, and therefore has an independent, though inferior, value. F and V come from a copy of a Byzantine MS. other than that used by the writers of M (Keck, *Agam.*, 1863). Intermediate between F and V was a Byzantine MS. from which N was derived.

Plays that contain, of the *Oresteia*, either only *Agam.* or only *Eum.*:

Ven. 468 (No. 132), containing the triad and *Agam.* 1-348, is the oldest extant MS. (M excepted) that includes any part of the trilogy. Though more like M than N, F, V, the points of difference are such that it is more probably to be referred to a source other than M but resembling that MS.

Not directly involved in the question of the relation of N, F, V to M are two MSS. of the *Agam.* (Par. 2791, Vitt. Em. 5) and three containing only *Eum.* (nos. 32, 47, 147).

Of the MSS. containing, either entire or in part, *Prom.* *Sept. Pers.*, several of the 13th or 14th century¹ show readings in the main agreeing with those of M, the variants of which they frequently reproduce. On the other hand, their deviations from M often present better readings, not due to conjecture. Of this group of MSS.—which exhibit the Byzantine fondness for explaining the meaning and use of words—some, at least, are to be derived from a common source, according to Wilamowitz, of the 11th, 12th, or even the 13th century, the text of which agrees with the scholia, to which, however, additional matter

¹ According to Wilam.: Ambros. 886, Laur. 31. 3, Heid. — Pal. 18, Par. 2787, and Ven. 468, the archetype of which MSS. he calls Φ .

Par. 2787 belongs in this group, but has been emended from Par. 2884 or from a related MS. Par. 2884 itself is often right when Φ and M are wrong.

was added from MSS. of the 14th century. According to Mazon these MSS. represent a Byzantine edition with commentary — perhaps of the same age and origin as M — from which the ‘corrector’ of M took few scholia but more variants than did M¹ and M².

The corruptions in the text of Aeschylus have their origin (which is not solely palaeographic) in various periods of its transmission, periods no longer to be distinguished with accuracy. In general they are referable rather to the Attic, the Ptolemaic, and the Roman period than to the Byzantine age. There may have been errors in Aeschylus’ own archetype and in its transliteration (if that occurred) from the Old Attic into the Ionic alphabet; poets and actors introduced alterations; the Lycurgean state-copy may have been faulty, as also its reproduction in Alexandria. The vulgate introduced by Aristophanes of Byzantium was not free from errors. The substitution of the parchment codex for the papyrus roll, of uncials for the earlier hand, and the supersession of uncials by minuscules, all offered opportunities for the disfigurement of the text. But the charge that extensive vitiation of the text had its origin in Byzantium is without justification. The quality of the Byzantine MSS. of *Prometheus*, *Septem*, and *Persae* was superior to that of the *Oresteia* and especially of the *Supplices*; and it was to the triad that Byzantine scholars devoted their chief attention. In general it may be assumed that, though at times they were guilty of misplaced invention, they reproduced with tolerable fidelity the MSS. at their disposal.

Even this summary list of manuscripts may well serve a twofold purpose.

Its first purpose — indeed, in the opinion of purely textual critics, perhaps its sole purpose — is to record with reasonable completeness the extant manuscript sources for the reconstruction of the much-depraved text of Aeschylus. Since such a compilation must inevitably include MSS. of widely different worth, oblivion in the case of some had simplified the function of textual criticism. In fact a relatively small number of MSS. might have sufficed to transmit, in direct line, the tradition of the text from a remote time.

Of the MSS. of Aeschylus, in general, it may hold true that, as Lagarde said of the vast number of those of the Septuagint: “Not one is quite worthless, and not one is free from significant corruption.”

Superiority of reading is not to be determined by the additive method of a quantum theory which defends as authoritative the mere concurrence of many MSS. or even the harmonious evidence of an associated group. The united testimony even of a score of inferior MSS. is no warrant of their corporate wisdom. The readings of many later MSS. is not therefore necessarily valuable when they disagree with the Medicean. But the rights of later MSS. must be safeguarded. They may possess unexplored possibilities that must be released; released in particular from the trammels of a belief that the Medicean, though entitled to preëminence by virtue of its age and quality, enjoys a peculiar prerogative in constituting the sole and absolute authority for determining the text. It is presumptuous to assert that no one of the MSS. of the 14th or 15th century may not contain a better reading (or at least the indications of a better reading) not due to the expulsive power of certain conjecture. And even when such better readings *are* due to the conjecture of adventurous scribes or readers of the text, their anticipation of the emendations of modern critics constitutes a factor in the history of classical scholarship.

The genealogy of many later MSS. is hypothetical or complicated. The members of a family group may show inter-crossing relationships. They may fluctuate in their sympathies as new readings arise and persist, either altogether displacing the old or coexisting with them as variants. One MS. may practically isolate itself by its freedom in adopting other than the traditional readings. Every MS., in fact, in greater or less degree, has its own individuality, manifested not only in its simplest variations from its nearer or remoter ancestor but also in seemingly trivial differences. The individuality of MSS. depends in great part on the time, the place, the circumstances of its writing and on the nature and equipment of their scribes.

If the transmission of the texts of ancient literature is to a certain extent fortuitous, their composition is also in some measure mechanical. But MSS. are not altogether impersonal documents. Some scribes at least were men, not machines.

Scribes were men of very different kind. Some had the wandering eye; all might be guilty of one or more of the other forms of carelessness. Lack of learning (which may have had here its merit) distinguished some: whatever the errors of the text set before them to copy,

they adhered to that text with meticulous fidelity. The partisan scribe tended to follow the method of copying adopted in his particular monastery or to adhere to a certain family of manuscripts. Another class of copyists (Triclinius especially), recognizing difficulties or downright errors in the text, deliberately sought to overcome them; yet, for all their inspiring insight and energy, they often succumbed to the temptation to indicate their sense of superiority by 'correcting' the text outright in accordance with their particular theories. Many scribes call themselves "miserable sinners"; rather — we may be sure — because they were so in fact or by religious education than because of remorse for tampering with texts.

Even the latest scribes — whether or not they were even dimly conscious of the fact — enregistered an inheritance of Greek literary tradition bequeathed to them from the distant past and which they were transmitting to the future. The copyists of Greek (and of Latin) MSS. were the custodians of a pagan literature that had died but for them; a pagan literature which, in one part of the Renaissance, did die (so Kenyon ventures to say) "except as a study of a society which still remained pagan whatsoever it might be in profession."

The second purpose of this Catalogue has a wider horizon.

Even MSS. that present indifferent or valueless evidence for the construction of a correct text acquire an ultimate significance which we now (as also the scribes in their time) may forget or neglect. All the MSS. of Aeschylus are contributors to the history of classical learning; to the intellectual life of Europe; to the persistent vitality of the Hellenic spirit; and to the fame of one of the world's greatest poets.

In time, such is my unconquerable hope, there will be written, undisfigured by any exaggeration of partisan enthusiasm, a comprehensive history of the expansive power and cumulative influence of Hellenism from the earliest to the latest times — in language, poetry, history, political oratory, philosophy, science, art. To such a history, of which we have as yet only partial fore-gleams, even this record, however imperfect, of the transmission of the text of a single poet may contribute something worthy of recognition.

This Catalogue is only an approximate realization of an ideal — an absolutely complete list of the manuscripts of Aeschylus. No catalogue

of his manuscripts dare call itself 'complete' unless its compiler is assured of the contents of every extant Greek manuscript. Of some libraries no catalogues, of others only partial catalogues, exist. In certain libraries, the catalogues of which are still unpublished, there are preserved manuscripts of Aeschylus, at least some of which are recorded in the present collection. Even the lists of printed catalogues of Greek manuscripts as compiled by Gardthausen and by Schissel¹ are not free from omissions.

Some possible deficiencies in my list may be due to a failure to record MSS. of the poet in any of the many churches or monasteries of the Levant, the catalogues, or special notices of which are not found even in the Harvard library. Yet even here, it is altogether too probable that the searcher will return from his quest with slight success. The libraries of the East rarely include MSS. of classical Greek literature. From twenty-one volumes of the *Néos Ἑλληνομνήμων* and from thirty-two of the *Byzantinische Zeitschrift* — the two chief periodicals recording the contents of Eastern libraries — the yield for Aeschylus has proved exceedingly scant.

This Catalogue enumerates some hundred and twenty MSS. containing one or more dramas or fragments of the poet, arranged in the order of their sequence in the catalogues of the libraries in which they are now preserved. MSS. containing supplementary material — only scholia, excerpts, and gnomic passages — are printed in smaller type. I have not hesitated to include MSS. of the sixteenth century. Like those of earlier date, they may depend on other MSS. and not, in many cases at least, on any one of the five editions of the poet printed before 1599. Though as early as 1467, MSS. (at least those of religious contents) cost one-fifth less than before the introduction of printing, the function of copyists of sacred and of profane literature did not cease; indeed was continued as late as the eighteenth century in the case of Aeschylus.

¹ Gardthausen: *Sammlungen und Cataloge griechischer Handschriften*, Leipzig 1903; Schissel: *Kataloge griechischer Handschriften*, Graz 1924. In these two works the number of catalogues of libraries containing Greek MSS. is nearly four hundred, excluding those that report only theological, biblical, patristic, hagiographical and astrological MSS. Neither work includes any large number of papyrus MSS.

The following MSS. are later than the sixteenth century.

1. Par. 2791 (Dupuy-Reg. 3330.2): *Agam.*, written and dated (1610) by Isaac Casaubon; 4°, .235 × .181; ff. 108 (including the interleaved and smaller sheets of various dimensions).

This MS. contains Casaubon's translations, definitions, derivations, notes on poetical usage of words, and his interpretations and emendations. It was Casaubon's hope that he might live to edit Aeschylus (see his *Strabo*, 1587, p. 87 A); and it was occasionally his practice, as it was later that of Brunck, to copy MSS. — in 1602 he copied two MSS. of Aristophanes' *Equites*. Whether the text of 2791 is derived from a MS. or was either constituted from several printed editions or is a copy of one such edition, is not yet determined. My own inspection of the MS. — though only of a limited portion — confirms the opinion that it is an apograph of the text of Victorius-Stephanus (1557).¹ — Faehse (145-154) collected Casaubon's annotations, some of which had been discussed by Vauvilliers (1. 324-340). — On the question whether Stanley got from this MS. the readings of Casaubon, see Blomfield's *Agam.* p. ix and *Quart. Rev.* 1821, p. 508. Casaubon's conjectures were sent to Needham by Jean de Burigny.

2. A transcript of the text of Victorius-Stephanus, once owned by Stanley, passed from the collection of Thomas Rawlinson (1681-1725) to that of Askew, and by him was called *Rawlinsiensis*.

3. Coislinianus 178: *Συναγωγὴ λέξεων συλλεγεῖσα ἐκ διαφόρων βιβλίων*, Fol. .290 × .283; ff. 293. xv. Omont, *Inventaire des MSS. grecs de Coislin*, p. 149, entitles the MS. [Joannis Zonarae] *Lexicon. Aeschylus* is among the many writers therein quoted, and from him Zonaras cites the words ἀβδέλυκτα, ἀμφίς, ἀποφώλιοι, δροίτη, κόρση, μανία (Tittman 2. 2120).

4. Cois. 387: 8^{vo}, ff. 214. Parchment. x. Under the heading *περὶ ποιητῶν ὅσοι διὰ στίχων καὶ λάμβων ἔφρασαν* appears the name of Aeschylus. See Montfaucon, *Bibl. Coisl. olim Sequeriana* (1715), p. 597.

5. Athens: *Βιβλιοθήκη τῆς Βουλῆς*, no. 133. Schol. to *Prom.* +. .21 × .16; ff. 218. xviii.

6. Rome: Ottobonianus 307. *Prom.* +. *Vita. Arg.*, .207 × .144.

¹ Some of Casaubon's notes on Aeschylus, copied from the margin of a copy of that text, are preserved in the library of the University of Cambridge (*Catalogue of Adversaria*, 1864, p. 34). But Casaubon did not use that text exclusively for his annotations. His marginal notes are entered also on a copy of Canter's edition (1580) in the same library (*Adversaria*, p. 26).

xvii. The work of a student, who inserted an interlinear Latin version of single words.

7. Nuremberg: Prom. End xvi. Murr, *Memorabilia bibliothecarum publicarum Norimbergensium et Universitatis Altdorfinae* 1 (1786), p. 50: "Soph. Pind. Hes. Aesch. Prom. ab eodem A. 1589 et 1592 calamo diligenter exarati" after mention of a MS. of Hdt. copied from the Aldina (1502) and one of Homer (1552) copied by Carolus Stephanus. Cp. Harles 2.186.

It is perhaps not unfitting to state that this Catalogue, as originally conceived — and to a considerable extent as composed — aimed at presenting, so far as I could, and under the limitations necessarily imposed upon such a summary, a full description of every MS. of Aeschylus known to me. Such a description sought (apart from matters patently obligatory) to include statements concerning the character of the writing; any difference of hands; the color of the ink; the number of verses to the page; the place of each play in the MS.; the extent of the Arguments and of the Vita; the presence or absence of the list of dramatis personae; the occurrences of a word at the end of a senarius though belonging at the beginning of the next line (and *vice versa*); the division of cola in choral passages when not due to considerations of space; the relative frequency of scholia and glosses; the history of each MS. prior to its arrival in its present location, etc.

Though some of these details might fairly have been omitted because concerned rather with palaeography or bibliography, the original plan had to be abandoned as over-ambitious and impracticable. The printed catalogues, especially in the case of less well-known MSS., and the photographic copies, often failed to supply the desired information. What I could report for some MSS. I could not report for all. A great part of the material collected has therefore been rejected, but even with this reduction, inequalities remain. The description of the MSS. thus stands—to alter somewhat the words of an Athenian orator — οὐχ ὡς ἐβουλόμην ἀλλ' ὡς ἐδυνάμην.

With some exceptions, I have not yielded — even where I possessed some part of the necessary knowledge — to the temptation to permit a mere catalogue of objective facts to transgress into the territory of disputed theories as to the interrelation of MSS. A study of such interrelations involves the recognition of many problems still unsolved,

if not insoluble. Such problems, for example, are the similarities and dissimilarities of members of groups of MSS., and their cross-relationships; the question whether one MS. is a direct copy of another, or, if indirect, through an intermediate copy (now lost) that had been corrected or altered in different ways; whether the omission of certain verses in one MS. is due to the inadvertence of its copyist or to its absence in his original.

Almost every MS. of the text contains scholia or glosses, commonly both. Their distinction is sometimes elusive; in general, however, I have taken the former to mean marginal interpretations of the meaning; the latter, to refer to interlinear explanations of individual words. As regards the scholia, I have often desisted from an attempt to distinguish their several classes—even A (Stanley's), B (Thomas Magister's), Tr. those of Triclinius; and I would not rely on Dindorf's collations for the others, my knowledge of which is inadequate.

I have sought to keep abreast with the changes in the official names of European libraries due to late political revolutions or to other and earlier causes. It is sometimes difficult to discover whether the contents of these (and many other) libraries have remained the same since their catalogues were first published and to what extent they correspond with the descriptions by Montfaucon (1739), Fabricius in Harles' edition (1790-1809), Hänel (1830), and others.

A serious source of inconvenience, and of possible misstatement, has long been recognized as due to the difference in the numeration of the verses of Aeschylus by various editors, a difference greater in his case than in that of any other Greek poet. And not only this — the designation of many MSS. is often exasperatingly confused. The same MS. may be given two or even three different names, acquiring thereby a seeming double or triple authority. Par. 2787 (Reg. 3320) has been counted twice: as Par. G and Askew A; for Monacensis 486, 546, 565 Hermann used the title 'Augustanus'; 'Baroccianus' 231 is the same as 'Oxoniensis'; 'Seldenianus' is identical with 'Arundelianus'; (for the Venetian MSS. see under Venice). The almost inextricable confusion reigning in many earlier references to certain Paris MSS. is due in part to editors who call a MS. 'Parisinus' without reference to its number in any printed catalogue. The "Askew manuscripts" have a peculiar history and have long been a notorious puzzle.

As early as the first edition (1758) of Burton's *Πενταλογία*—in which, of Aeschylus' plays, only the *Septem* was included—and as late as Haupt's second edition (1859) of Hermann's Aeschylus, readings have been cited from certain Paris MSS. said to have been collated by Dr. Anthony Askew (1722–1774) and called the "Askew manuscripts." The library of the University of Cambridge¹ contains a copy of Stanley's Aeschylus (1663) that includes, in Askew's handwriting, a collation of four Paris MSS. each containing only *Prom. Sept. Pers.*: 2884 (formerly Colbertinus 6443), 2785 (Colb. 4016), 2787 (Reg. 3320), 2788 (Reg. 3300); and a fifth, 2886 (Reg. 3521) containing these three plays and *Eum. and Suppl.* Four of these MSS. were first named Ask. A, B, C, D in the edition of Schütz (1782), and later so entitled by Butler (1816), and by Hermann, except that for D he has three different signs: L for *Prom. Sept. Pers.*, P for *Suppl.*, Par. for *Eum.* Blomfield designated the four MSS. G, H, K, L. A is now commonly identified as 2787, C as 2788, D as 2886. As for Ask. B, the above editors usually content themselves with the statements that it contains *Prom. Sept. Pers.*, is fairly old; and sometimes add that it is bound in the same volume as Ask. A, an assertion not expressly confirmed by the description of 2787 in the catalogue of the Royal Library (1740). Schütz, in his first edition (1782) and in subsequent editions, Brunck, in his edition of *Prom. Pers. Sept. Antig. and Medea* (1779),² and Wellauer (1823), used the signs Reg. B for 2787 and Reg. A for 2884, the numbers of the printed catalogue. It is probable that Askew's B is 2786, which also contains only *Prom. Sept. Pers.*

Askew himself collated various other MSS., but the collations of A, B, C, D known under his name, were, according to Blomfield (Preface to his editions of *Prom. and Sept.*; cp. Pierron, pp. 27 ff.) accumulated by Peter Needham (1680–1731). In 1709 Needham published an edition of the commentary of Hierocles on the Golden Verses of Pythagoras; in 1912, an edition of Theophrastus' *Characters*; and he was probably collecting material for an edition of Aeschylus. To this end he may have made some collations independently, but certainly availed himself of collations procured for him chiefly by the mediation of Montfaucon: A was collated by Abbot Lama; B, C, D by Charles de la Rue and Joh. Malinguehen; 2785 and 2884 by Ruerdy and Malinguehen. (The Medicean was collated for him by Salvini in 1715). For the MSS. listed by Blomfield, see Elmsley, *Edinb. Rev.* 1810, p. 126; and cp. Butler's Aeschylus, 8 (1816), p. iii–v.

¹ Catalogue of *Adversaria*, 1864, p. 6.

² Brunck's collations are preserved in the *Bibliothèque Nationale* (Omont, *Inventaire Sommaire des manuscrits du Supplément grec*, 1883, p. 43): Mss. de Brunck: — *Sept.* Nos. 353, 367, *Prom.* 359, 367, *Pers.* 359, 368. One of these Mss. (.304 X .200) inspected by me, shows that Brunck wrote out an entire play in order to provide himself with a text and left margins wide enough to include the readings of 2787, 2884, and of such other Mss. as he might collate. A similar method was adopted by him in the case of certain Mss. of Aristophanes.

It has been shown by Blomfield that the collations of "Ask. A, B, C, D" were appropriated, without acknowledgment, from Needham by Askew, who transferred them to his copy of Stanley's edition — thus prolonging to the eighteenth century a practice of appropriation common to the seventeenth, and indeed, though of different kind, not unknown to plagiarists of antiquity. In his *Πενταλογία*, in expressing his gratitude to Askew for furnishing him with readings for the Septem, Burton had no conception that they were not derived from original collations made by Askew. Nor did their donor, so far as we know, ever confess their source. Askew's plagiarism — extending to the very words, sometimes misinterpreted — is evident from a comparison of his copy of Stanley's Aeschylus with a MS. in his own hand in which he has recorded Needham's collection of the variants in the four plays in question.¹

My registration of the symbols adopted by editors to identify MSS. is at least sufficiently complete to indicate the confusion worked by the apparently unprincipled versatility of scholars, who, regardless of their predecessors, continue to mint new forms of symbolic identification. The method here employed seeks to establish a stabilized system of designation.

The history of Aeschylean textual criticism discloses the fact that, since a century or more, a winnowing process has largely reduced the number of MSS. to the authority of which appeal is made. Few editors now adopt, even as their ideal, "cuncti adsint."² Wecklein and Wilamowitz, for example, cite at least one-fourth of the number of MSS. cited by Schütz, Butler, Blomfield, and Hermann.

Some attention has been devoted to the mention of collations from the sixteenth century onwards. It is unnecessary to dwell on the difference between the past and the present standard of completeness and exactness in collation. In earlier times a 'collation' commonly meant only a selection of readings; as in the case of Needham's, dependent on various sources, and Hermann's, dependent on Bekker's hurried inspection of some Paris MSS. Some MSS., Par. 2782 A, 2785 and others, were collated by scholars who were ignorant of the existence of previous collations, often because such MSS. bore different designations.

¹ University of Cambridge Library, *Adversaria*, pp. 5, 20.

² Yet Wilamowitz' words (Aeschylus, p. x) should not be forgotten . . . conquirendos fuisse Aeschyli codices quotquot extant omnes, explorandam singulorum cognitionem, pertendendam textus per saecula XII-XVI historiam.

The list of dated MSS. is as follows: —

1286 (the last numeral is uncertain). Laur. 31.3	1375 Ambros. 459
1298 (or 1299) Par. 2884	1413 Vind. 197
1344 Flor. Conv. Soppr. 7	1470 Len. XX Aa/1 ^a
1372 Flor. Conv. Soppr. 98	1610 Par. 2791 (Casaubon)

The variation between scholars as to the century in which a MS. was written is not surprising — editors are rarely expert palaeographers. M. Omont, one of the highest authorities in Greek palaeography, refuses to assign any MS. to a given century on the mere evidence of black and white. But the time has passed when a MS. would be described as “bonae aetatis,” “sat bonae aetatis” or “satis vetustus.”

Of undated MSS. of Aeschylus, one (no. 69) is of the x–xi century; none is of xii; at least two (nos. 19, 52) are of xiii; three (nos. 64, 120, 132) are of xiii–xiv. There are more MSS. of xv than of xiv or xvi, and more of xvi than of xiv.

MSS. misplaced or no longer extant.

Library of the Vatican.

Vat. Pal. 313. Prom. Sept. Pers. with scholia; according to Sylburg’s catalogue: “Deest et desiderabatur iam temporibus Emmanu-
elis a Schelstrate” (Prefect of the Vatican library in the middle of the seventeenth century). The catalogue of Palatine MSS. has ἐλλείπει. The MS. is not reported by Merkel, Franz, and Phoutrides.

*Library of the Escorial*¹

After the fire in 1671, the remainder of the library of the Escorial was transferred, with considerable loss through theft and otherwise, to the Monastery of the Trinity in Madrid in 1808, whence, in 1814, under Ferdinand VII, it was restored to its former home. Its contents prior to 1671 are known, or inferred, principally from the catalogue of Nicolas de la Torre, royal copyist under Philip II (Miller, pp. 332–386); from an abbreviation of the incomplete (now lost) catalogue of the collection of Don Hurtados de Mendoza (Graux, pp. 358–427), to whom Soliman II presented thirty-one Greek MSS.; and from that of Antonius Augustinus (1586).

¹ See nos. 143–146 for references to catalogues of the libraries in the Escorial and Madrid.

Two Aeschylean MSS., once in the Escorial, were burned or are lost:

X.—1.—13: Extracts from Prom. Sept. Pers. (ff. 332^r–333^r). +. Fol. 387. Early XIV. (Miller, no. 352, p. 303).

X.—1.—16: Three tragedies with scholia. +. 8^{vo} (Miller, no. 72, p. 337). This MS. was listed in the catalogue of Nicolas de la Torre.

Some other MSS. have perished; or if extant, are not to be identified or located.

Aeschylus (and Theocritus with annotations), Graux, no. 202, p. 426. From the collection of Cardinal de Burgos, most of which passed to the Biblioteca Nacional in Madrid, founded in 1712.

Aeschylus (and Hom. Eur. Soph.), Montfaucon 1. 478. This MS., once owned by Dom. Grimani, founder of the library of S. Antonio in Castello, was burnt in Venice in 1687. Of some MSS. in this collection, old copies had, however, been made; and a few (stolen) originals are in the Marciana in Venice or in Paris.

Tomasini, *Bibliothecae Venetae MSS.* (1650) reports, on p. 17, *Bibl. S. Antonii*, plut. xviii, Aesch. cum schol. 4^o; on p. 21, SS. Joan. et Pauli, plut. ii, Aesch. trag. duae; on p. 81, *Bibl. Baroc.*, Aesch. fol. bambyc. Of these, the last might be thought to be Ox. Baroc. 231 (no. 16), which, however, is on ordinary paper. The second cannot well be Ven. XI. 7 (no. 135) since that MS. contains *three* plays. As to the first, Montfaucon reports (1. 488 E) that an "Aeschylus cum glossis" formed part of the collection of Nicol. Trivisani in Padua; and it has been conjectured that this was the MS. referred to by Robortelli as sent to him from that city by Savelli. No MS. of Aeschylus is included in Tomasini's *Bibl. Patavinae MSS. publicae et privatae* (1639) or in Minciotti's *Catal. dei codd. MSS. nella Bibl. di S. Antonio* (1841). The MS. in question is not the one Greek MS. now in the Biblioteca S. Antonio in Padua (Josa's *Catal.* 1886, p. 102); it is not in the Biblioteca Universitaria (Landi, *Stud. Ital di Filol. Class.* 10 (1902) 18–20, 430–432), the Biblioteca Capitolare, the Biblioteca del Seminario, or the Biblioteca Civica.

Αἰσχύλου τραγῳδίαι, no. 51 in Omont's *Catalogue des MSS. grecs d'Antoine Épargne*, 1892. Towards the end of 1537 its owner fled to Venice from the Turks and, in part to support himself, sold a certain number of his MSS. in 1537 or 1538. Certainly this MS. did not

pass, as did various other Venetian MSS., into the Royal French library.

Prom. Sept. Pers., with schol. gloss., according to Harles' Fabricius 2. 186, in Hamburg. Dr. Lemcke, Director of the Staats- und Universitäts-Bibliothek in that city, informs me that this MS. is neither listed in the old catalogue nor now forms part of that library.

The forger of MSS. has not failed to display his activity also in the case of Aeschylus. The falsification of an uncial MS. of the Persae dated 570, alleged to have been discovered in Egypt, was exposed by Ritschl (misnamed by him a 'new Simonideum') in Rhein. Mus. 27 (1872) 114-126, reprinted his Opuscula 5, 194-220.

This Catalogue was compiled independently of its only predecessor, the list assembled in Schneider's edition of Prom. (1834). To this collection, which is far from exhaustive, I had recourse only after my own had been completed; and to my profit only as regards some details.

With very few exceptions I have seen all the MSS. registered in the Catalogue as now found in the libraries of England, France, Holland, Spain, Florence, Milan, Rome and Venice. Of many of these (and of others) photographic copies, either entire or in part, are now deposited in the Harvard College library and are here listed on the chance that they may be of service to others.¹ Of many of these MSS. my inspection was of necessity more or less cursory — the opportunities of a

¹ (The Mss. to which * is prefixed contain the entire text.)

FRANCE: Par. 2070, 2782A, *2784, *2785, *2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, *2884, 2886, Suppl. 110, Coisl. 353.

GERMANY: Berlin 184 (scholia); Leipzig 1, 4, 43 (Lips. 1 and 2); Munich 486, 546; Wolfenbüttel 4275.

GREECE: *Vatop. 33.

HOLLAND: Voss. 6.

ITALY: Bologna 2700, 2271; Florence 28.25, 31.1, 31.2, 31.3, 31.8, 32.2, *32.9, 91.5 sup., Marc. 222, Conv. Sopp. 7, 11, 98; Milan 399, 560, 782, 886; Naples *188; Rome Vat. *57, 1294, *1332, Vall. *B70; Venice 468, 470, *616, XI. 7.

RUSSIA: Mosc. A173, 508.

SPAIN: *Esc. T. 1. 15.

cisatlantic scholar to consult European libraries are infrequent and must be relatively brief. Under these circumstances I venture to express the hope that there may not be visited upon me a reproach like that addressed by Porson to Brunck: "What right has a man to publish a work of this kind in a hurry?"

It is a pleasant duty to acknowledge my obligation to the many scholars who, by word of mouth or by letter, have assisted me in the preparation of this Catalogue. Of the custodians of the manuscript collections in European libraries, and other officials, particularly helpful have been Director Ageno in Padua; Professor Benešević, then in Leningrad, now in Siberia; Dr. Bick in Vienna; Dr. Büchner and Dr. Blok in Leyden; Dr. Omont in Paris; Dr. Pesenti in Venice; Dr. Rostagno in Florence; Msgr. Ratti, then Prefect of the Vatican library, now Pius XI; and Msgr. Mercati, now Prefect of that library. — Through the kindness of Professor Hunt in Oxford I was able, at the last moment before printing, to insert a brief mention of a lately discovered fragment of the Niobe (no. 8).

Two of my former students have done me loyal service: — Earnest Cary (Ph.D. Harv. 1903) has helped me to condense and prepare for the press the text of the Catalogue; and Aristides Evangelus Phourides (Ph.D. Harv. 1915, d. 1923) at my request examined certain MSS. in England, Greece, and Italy.

ONCE MORE VIRGIL'S BIRTHPLACE

BY EDWARD KENNARD RAND

ONCE more unto the breach. In the July-October number of the *Classical Quarterly* for 1932,¹ my friend Professor Conway objects to certain misrepresentations of his views that I made in the article *Virgil's Birthplace Revisited* in the January and April numbers.² He also says that I have more than once 'expressed quite different opinions in different places about the same point,' and he attributes to me the 'habit of making rather large general statements the effect of which is to throw dust, in his own eyes and in the eyes of the reader, upon the particular points really at issue.'³ He thinks that no facts really count for anything in my mind unless they accord with my chosen creed.⁴ He makes a similar remark at the end of the paper,⁵ pronounces a *Nunc Dimittis* (for me), exhorting those who credit me with honest intentions and satisfactory achievements in other fields to forget as quickly as possible my trespassing on this one, where evidently no muttons of mine are pastured.

The reader, I am sure, would not be edified by a lengthy *apologia pro vitis meis*. I can only declare, once more, that I desire simply the facts in the case. It is always the reader's task to make a certain discount for a writer's temperament and then to examine critically his arguments and the evidence for them. If I have been guilty of expressing different opinions in different places, then let the reader assume that in the present paper I am making a desperate effort to be definite, consistent, and clear. Errors in details and misunderstandings have been committed on both sides, as is only too easy in a complex affair of the pres-

¹ XXVI, pp. 209-214. I will refer to this article as C ii, to Conway's previous article, *C. Q.*, XXV (1931), pp. 65-76, as C i, and to his still earlier paper, Chap. II, of *Harvard Lectures on the Vergilian Age* (Cambridge, Mass., 1928) as *Harv. Lect.*

² Pp. 1-13, 65-74. I will refer to the two instalments as R i and R ii respectively, and to the book *In Quest of Virgil's Birthplace* (Cambridge, Mass., 1930) as *Quest.*

³ C ii, p. 209.

⁴ C ii, p. 211, ll. 2 f.

⁵ C ii, p. 214. I am giving, I hope without distortion, the gist of his words.

ent kind.¹ I shall refer only to those mistakes that seem important for clearing away the cloud of dust that has settled over the debate. I will review the main points in the problem with all possible brevity, adding certain new considerations and inviting the reader to sift out the facts and to form his judgment on them alone.

First, then, as to the evidence furnished by Virgil's descriptions in the *Bucolics*, Professor Conway repeats a challenge which I did not meet to his satisfaction,² and believes that I attach 'no importance at all to what Vergil says, but every importance to defending by hook or by crook the mediaeval tradition.'³ That is not true. I attach great importance to what Virgil says, but not much to what some of his interpreters have made him say. Professor Conway asks me whether 'the farm was or was not included in the stretch of land that Virgil names.'⁴ I hoped that I had made my position clear, and can do no better now than refer the reader to what I said before.⁵ There I pointed out three possible interpretations of the scenery in the *Eclogues*.

The first is that Virgil's pastoral picture is essentially Arcadian, with delightful bits of Mantuan reality, which do not permit us, however, to reconstruct the exact character or the exact locality of his farm.

The second, given by Servius, is that the land supposedly won back by the songs of Menalcas⁶ is the entire Mantuan district, stretching from the foot of its hills (those at the north)⁷ down *ad aquam* (the lagoon about Mantua).⁸

I still find this a very attractive explanation. I added: 'Whether the lagoon extended to the north of the city at that time or not is immaterial.'⁹ Virgil's description is general and adequate for his meaning.'

¹ Some of my transgressions are noted in C ii, p. 213, note 2. He adds: 'A multitude of smaller points *sciens praetereo*.' I will extend to my friend a similar courtesy, especially since his minor errors do not make up 'a multitude.'

² C ii, p. 214.

³ *Ibid.*

⁴ *Ibid.*

⁵ R ii, pp. 69-71.

⁶ *Ecl.* ix, 6-10.

⁷ I nowhere 'plant' any *colles* on the western boundary of the district at Cremona, as Conway (C ii, p. 211) says I do. Let the reader turn to *Quest*, p. 150, to which Conway refers.

⁸ Cf. Servius on *Ecl.* ix, 9: *Vsque ad aquam, Mincii fluminis scilicet*.

⁹ Here I came to the defence of Nardi, whose statements about the changes in the watercourses round Mantua made by Pitentino were criticized by Conway for loose-

I still think so, even when Professor Conway takes me to the map again and points out that in this case 'the farm, if it was at Pietole, must be excluded by the words *usque ad aquam*, since Pietole is at the south end of the south-east lagoon.'¹ I can merely repeat² that if a reference *to the whole district* 'is the meaning, and the only meaning of the passage, it tells us nothing of the scenery on the farm.'³ It also tells us nothing of its location. I can therefore accept Professor Conway's challenge⁴ by replying that his question, like other irrelevant questions, can never be answered.

The third view is that the passage in the Ninth Eclogue refers specifically to the farm. In that case, I find it better suited to Pietole than I had thought possible before my last visit there. If Professor Conway would imply in his final paragraph⁵ that my lack of respect for Virgil leads me to vacillating estimates of where his farm was, let me say plainly that I still regard any one of the three explanations as possibly correct, preserving an open mind as regards them. If I so change my mind, enlightened with new evidence, as to accept the third of the possibilities, Professor Conway will be the last to blame me, or at least to object to a change of mind *per se*. On the strength of the new theory of Professor Léon Hermann,⁶ he has so altered his original method of finding. Although Conway, despite the long note devoted to Nardi in C ii, p. 214, declares the whole talk about Pitentino has now become totally irrelevant, I think he will find food for reflection in Nardi's reply in the October number of the *Classical Quarterly* for this year.

¹ C ii, p. 214.

² R ii, p. 70.

³ R ii, p. 70. I further pointed out that if the farm was at Pietole it would incidentally be in danger of confiscation since, according to my calculation based on Servius, it lay just within, or at least very near to, the border of the Mantuan territory appropriated by Alfenus Varus. This is dogmatic assumption on my part, according to Professor Conway (C ii, p. 213, note 2). I will leave the reader to ponder that note, along with R ii, p. 69, and the references to our previous statements there given. See also Thilo, *Fleckeisens Jahrbuch*, CXLIX (1894), pp. 290 f.; Norden, *Rhein. Mus.*, LXI (1906), p. 175.

⁴ C ii, p. 214.

⁵ C ii, pp. 213 f.

⁶ In C. Q., XXVI, p. 215, Professor Hermann corrects several of the assertions that I made in the same article (pp. 67 f.) concerning his book *Les Masques et les Visages dans les Bucoliques de Virgile*. I am still amazed that so learned a scholar as M. Hermann could propound so wild a theory. I admit — to consider only one of the five misrepresentations cited by him — that he assigned no rôle to Agrippa in the *Bucolics*. I was responsible for that, in an attempt, doubtless in too frivolous a

ing out 'what Vergil says' that he no longer — to my regret — ventures 'to quote anything from the First Eclogue as bearing on the site of Vergil's farm.'¹

Of one thing I am certain, namely that the scenery at Carpenedolo is hard to adjust to a literal interpretation of the pictures in Virgil's pastorals.² I find it easier, the more I know the facts in the case, to recognize Virgilian scenery at Pietole. For these, as I said,³ I await enlightenment, particularly from inhabitants of the place or others who know it as well.

One of the features of the landscape recently discussed is the famous *Mons Virgilii*. Remigio Sabbadini, whom all Virgilians and many others revere, has written an article recently in which he unquestionably sides with Professor Conway's views in certain important respects⁴ and about which more anon.⁵ In it he cites⁶ from Dal Zotto's article⁷ a statement from a contemporary of Egnatius, Giovanni Bremio as follows:

Locum appellant incolae Montem Virgilii, qui cum ad Mintii ripam sit, a quo iactu lapidis valido lacerto iacti distet sitque iter sursum versus facien-

vein, to see what further absurdities might be elicited by his method of interpretation. The other cases I am content to leave to the judgment of the reader.

¹ C i, p. 66. Since nothing is said in C ii about M. Hermann's theory, I am assuming that Professor Conway still puts the same faith in it. See also R ii, p. 68.

² See R ii, pp. 70 f. Professor Conway corrects my faulty observation, or faulty memory, on the matter of a mountain-view from Carpenedolo. I should have refrained from my hesitant statement on that point, particularly since Professor Conway infers from it (C ii, p. 211) that 'no facts really count for anything in' my 'mind unless they accord with' my 'chosen creed.' I will therefore add an article to that creed, viz., 'I believe that mountains may be seen from Carpenedolo.' But adding the mountains does not diminish the distance of the assumed site from the River Chiese, which does not fit into Virgil's picture at all. Let us remember Servius's comment on *Ecl.* ix, 9, once more: *Vsq̄ue ad aquam, Mincii fluminis scilicet.* See Thilo, *Fleck. Jahrb.*, CXLIX (1894), p. 290. I hope that Professor Conway in one of his more recent visits to Pietole experienced my pleasure at seeing the glistening heights on the horizon of Pietole (R ii, p. 71) — an experience that he had not had when writing his *Harv. Lect.*, p. 29: 'In no direction are there any hills to be seen; both Alps and Apennines are far out of sight.'

³ R ii, p. 73.

⁴ See C ii, p. 210.

⁵ *La Vita di Virgilio di Valerio Probo, Historia*, VI (1932), pp. 1-8. See below, pp. 77, note 4; 83, note 7; 88, note 1; 88; 90, note 7; 91, note 5.

⁶ P. 95.

⁷ See R i, p. 5.

dum et ascensu superandus fluminis alveus, cognovi propterea montem esse ab illis dictum, cum tamen nullus ibi mons habeatur.

In other words, as Conway, Sabbadini, and even I, are aware, Bremio found no mountains in the vicinity of Pietole. He did, however, see why the inhabitants called a certain spot *Mons Virgilii*, since he had to walk up some sort of slope from the river bed, though not for far. Nardi points out, in a reply to Sabbadini,¹ that the tradition concerning 'Virgil's Mountain' was (as I imagine Sabbadini would not deny) considerably earlier than the times of the humanists of the Renaissance. He promises a fuller treatment of the subject.

Once more, supposing that Virgil is describing his own farm in the Ninth Eclogue (*and* the First), I find enough details at Pietole to correspond — a hill, a neighboring stream, to which the little estate slopes down, bees in the hedges, trees, mountains in the distance, and general pastoral charm. The full pastoral charm of the *Eclogues*? Hardly. Nor is that found at Carpenedolo. Wherever and whatever the farm on which the poet was born and which must have been to some extent in his mind as he put into verse the wrongs of his fellow townsmen, his boyhood reminiscences were flavored inevitably with his later experience of other scenes in nature and in poetry. The picture that issues from his poet's mind is fashioned by his creative art and should not be taken for a photograph.² This consideration, of prime importance for one who would learn 'what Virgil says,' should induce a certain caution in appealing to poetry for evidence on topography.

On the evidence of the inscriptions, Professor Conway makes clear

¹ 'Per un' edizione critica della Vita di Virgilio attribuita a Probo,' *Atti e Memorie della R. Accademia Virgiliana di Mantova*, N. S. XXII (1931), pp. 3-10 (extract). This is the date of the commemorative volume (*Celebrazioni Bimillennarie Virgiliane*), which was apparently held up long enough for Nardi to have seen Sabbadini's article; he shows full acquaintance with it, at any rate. See also his review of Dal Zotto in *La Nuova Italia* (III [1932]), pp. 76-80, esp. p. 80, and his reply to Conway in the October number of the *Classical Quarterly*.

² See R ii, p. 73, for the note on the poetry of Robert Frost by Professor Pease. In a recent letter, my friend Marbury B. Ogle, professor in charge of the School of Classical Studies of the American Academy in Rome, remarks: 'I revisited Mantua and the surrounding country this summer with the result that I think that Pease has settled the whole matter. Vergil is not "romancing" nor is he "photographing," but simply writing poetry.'

that I am not an authority on epigraphy.¹ I heartily agree, and for that reason I appealed to a competent epigraphist, Professor Egbert, whose independent dating of the inscriptions agreed with my own impressions. I would also, now as then, invoke the opinions of other experts in the field.² Professor Conway reproves me for persisting 'in talking about 70 B.C. as though anyone had asserted that date for either of' the inscriptions.³ I did not state that anybody had so asserted. I 'clamored for an inscription of the time of Virgil's birth if it were to serve as evidence of his birthplace,'⁴ and I clamor still. That the appearance of Sabina as the cognomen of the wife of Magius indicates a closer connection 'with Virgil's own people than that merely implied by membership of the Magian gens,' I will readily admit.⁵ But for a convincing proof we need something more definite than that.

What evidence, then, is offered by the inscriptions that the site of Virgil's birthplace was Carpenedolo? The *Vergilia* inscription was found at Calvisano, '8½ kilometres (5¼ English miles) west of it.'⁶ The *Magius-Sabina* inscription was found at Casalpoglio, '12 kilometres (7½ English miles) distant from Calvisano'⁷ and about as far to the south of Carpenedolo as Calvisano is to the west.⁸ The style of the inscriptions is that of 'the best work between 50 B.C. and A.D. 50'⁹

¹ He convicts me of a careless error in interpreting V. F. on the Magius inscription as though it were V. S. (C ii, p. 213). I should not have referred to any vow made by Magius, particularly since I had read Professor Conway's translation of the inscription (*Harv. Lect.*, p. 21), but I was not quite so stupid as to think that he made his vow 'to himself and his wife.' The purpose of the tomb I stated (*Quest*, p. 98).

² R ii, p. 65.

³ C ii, p. 213.

⁴ R ii, p. 65.

⁵ This point, according to Professor Conway (C ii, p. 213) I 'completely escape' by means of a 'serious . . . (though of course unconscious) misquotation' from him. 'He puts between inverted commas as quoted from me words that I did not write at all.' On the page to which he refers (R ii, p. 65), there are six instances of inverted commas. Three are referred correctly to their sources, two phrases are taken from pp. 65 and 75 of C i, and the remaining one occurs in a sentence (the sixth on the page) in which I sum up my views expressed in *Quest*, quoting a phrase I had used there, and referring to the page in *Quest* by a reference numeral (7) at the word before the quotation begins. Is this the 'misquotation' to which Professor Conway refers? I see no other possibility on this page.

⁶ *Harv. Lect.*, p. 30.

⁷ *Ibid.*, p. 21.

⁸ See the map at the end of *Quest*.

⁹ *Harv. Lect.*, p. 22.

— there is nothing to show, therefore, that they are not as late as A.D. 50. They do not, as Professor Conway admits, 'prove definitely that the branches of the Magian gens and the Vergilian gens which were allied to produce the poet were identical with the branches of these families which we find near Calvisano and at Casalpoglio.'¹ There is also an inscription, now lost, but copied by Jucundus and believed by Professor Conway to be genuine²— where? At Pietole. Professor Conway is 'therefore prepared to believe³ that some member of the Vergilian family at some time was honoured at Pietole; but not that Pietole was the ancient Andes, the site of Vergil's own farm.' Similarly, I am prepared to believe that a member of the Virgilian family dedicated an altar at Calvisano and that members of the Magian and Sabinian families were buried at Casalpoglio, but not that Carpenedolo was the ancient Andes, the site of Virgil's own farm.

The testimony of inscriptions and of Virgil's 'own words,' therefore, fails. Either or both may offer corroborative evidence, but neither in itself can guide us surely to the spot where the poet spent his boyhood. To what shall we turn? To ancient external testimony.

There are two statements on the matter. One is in the *Life of Virgil* attributed to Probus, in which it is declared:

P. Vergilius Maro natus . . . vico Andico, qui abest a Mantua milia passuum XXX.⁴

The other is in the *Life of Virgil* by Donatus, based on Suetonius:⁵

P. Vergilius Maro Mantuanus . . . natus est . . . in pago, qui Andes dicitur et abest a Mantua non procul.

It becomes us first to examine the text of these two passages. About the second, there is no burning question. *Non procul* is the accepted reading.⁶

¹ *Ibid.*, p. 21.

² *Ibid.*, pp. 23-25.

³ *Ibid.*, p. 25.

⁴ Ed. I. Brummer, *Vitae Vergilianae* (Leipzig, 1912), p. 73, 1-3 i.

⁵ *Ibid.*, p. 1, 5-7. I will make bold to call the author Suetonius, since Henry Nettleship so calls him. See his *Ancient Lives of Vergil* (Oxford, 1879).

⁶ There is a possibility that *haud procul* should be read, for so St. Jerome gives it in his excerpt (*C. Suetoni Tranquilli quae supersunt omnia* rec. C. L. Roth [Leipzig, 1858], p. 296; the spelling is probably *haut*; cf. A. Schoene, *Eusebii Chronicorum Libri Duo* [Berlin, 1866], II, p. 135, and the facsimile of the Bodleian MS. edited by

The task of interpretation remains. Suetonius declares by the epithet *Mantuanus* that Virgil was born in the district of Mantua, though not necessarily in the city itself. We soon learn that the birthplace was not the mother-city, but a village called Andes not far from it. Obviously, if we consider the entire district, a town near its border-line would be not near to the city but far from it. But Professor Conway is 'amazed' ¹ to find me treat *procul* 'as a geometrical term'; he asks if I do not know that it 'may denote any degree of separation,' giving appropriate illustrations, and he adds, 'It is all a question of where you are when you are writing. By a writer in Rome or even in Milan, any *vicus* of Mantua would naturally be said to be *non procul*, "not far," from that town.' I submit that it might also depend on the amount of exact geographical information possessed by the writer. I cannot imagine that, for instance, Professor Conway who, as his transatlantic friends are gladly aware, knows the United States well, would when writing at St. Albans speak of Northampton, let us say, as a town of Massachusetts not far from Boston, or that an observer from Arcturus who knew of Ovid's tragedy would call Tomis a place not far from Rome, or that a Suetonius writing from Rome, if from Rome he wrote, would refer to a town near the Mantuan border as not far from the mother-city.

Let us look at Suetonius for a moment, to justify this last statement. Although not a critical historian, he had a flair for details of all sorts — exact dates, distances, sums of money, omens, dreams, anecdotes, scandals are amassed by him with an impartial greed from whatever sources he could lay his hands on. Teuffel, after mentioning the defects of the work of Suetonius, states that 'it is drawn from good sources with faithful industry and intelligent judgment.'² On the *de Vita Cae-*

J. K. Fotheringham [Oxford, 1905], fol. 102v). It is plain that this citation is one of a series of citations of Suetonius's *De Viris Illustribus* (*ibid.*, pp. 288–301). Of course St. Jerome knew the commentary on Virgil, with the Life of the poet prefixed, by his master Donatus, but with a copy of Suetonius before him from which he took his notices of the eminent Romans, he would hardly turn to Donatus on reaching the year for a mention of Virgil. St. Jerome and Donatus, therefore, are independent witnesses to the text of Suetonius. Nettleship apparently so treats them. See his revision of Conington's *Virgil*, ed. iv (1881), I, p. xvii, note 1.

¹ C ii, p. 213.

² *History of Roman Literature*, trans. by G. C. W. Warr (London, 1892), II, p. 197. This estimate remains in the 6^{te} Auflage of the original work by Kroll and Skutsch,

sarum he says we may well believe that Suetonius has never knowingly traversed or concealed the truth.¹ In other words, he is neither a critic who selects and appraises, nor an artist who moulds and generalizes and in the interest of a pleasing design omits or modifies minor details. He has a passion for minor details, and wants to get them right. His is the mind of an encyclopaedist; his multitudinous works on diverse subjects seem, whatever his design, like fragments of a huge encyclopaedia.

For his life of Virgil, Suetonius, according to Teuffel,² 'owed most to the conscientious Asconius, who was in his turn indebted to the works of L. Varius and C. Melissus.' The careful scholarship of Q. Asconius Pedianus has won universal praise, L. Varius was Virgil's beloved friend, and C. Melissus was the poet, wit, and scholar, whom Augustus placed in charge of his library in the porticus of Octavia.³ Such are the sources to which Suetonius could turn for exact statements about Virgil like those with which his other works abound.

That preciseness in topographical details was of considerable concern to Suetonius is obvious even to the casual reader of his works. His account of an emperor begins with the man's lineage. Then, whenever possible, the date and the place of birth are exactly given. At the end of the biography comes a similarly exact statement of the date of the death and the location of the tomb. For instance, we learn that Augustus was born in the consulship of M. Tullius Cicero and C. Antonius (63 B.C.), September 21, just before sunrise,⁴ and that the new-born Nero was laid on the ground (for recognition by his father) at the exact moment of sunrise, being touched by the sun's rays almost before the ground touched him.⁵ The course of exactness could no further go.

with the assistance of Klostermann, Leonhard, and Wessner (Leipzig-Berlin, 1913). Bd. III, p. 53: 'aber es ist aus guten Quellen mit treuem Fleisse und verständigem Urteil geschöpft.'

¹ *Ibid.*, II, p. 201; 6^{te} Aufl., III, p. 58: 'und wissentlich hat er wohl niemals die Wahrheit verletzt oder vorenthalten.'

² Warr's translation, I, p. 425; 6^{te} Aufl., II, p. 23; the statement in the 7^{te} Auflage is similar.

³ Teuffel, *op. cit.* 6^{te} Aufl., III, p. 81. The chief source of our knowledge about Melissus is Suetonius himself; see *De Grammaticis* 21.

⁴ *Aug.* 5: paulo ante solis ortum.

⁵ *Nero* 6, 1: tantum quod exoriente sole, paene ut radiis prius quam terra contineretur.

Nor is Suetonius less precise in his indications of place. Augustus was born in the Palatine quarter at the *Capita Bubula*, 'Ox-Heads,' 'where now he has a shrine, put up somewhat after he died.'¹ The Palatine *regio* was one of the original four quarters of the city.² Augustus in 8 B.C. mapped out fourteen *regiones*, each subdivided into a number of *vici*.³ Suetonius speaks of that achievement, and of the government of these municipal districts.⁴ In telling of the birthplace of Domitian, he naturally uses the Augustan designation of the *regio*.⁵ It were needless to multiply instances, but the curious may ascertain, for example, in what chamber (and at what hour) Augustus died,⁶ on what side of the road lay the villa of Galba near Tarracina,⁷ on what side of the *capitolium* at Beneventum stood the statue of that terrific schoolmaster Orbilius,⁸ and just where was the school of Pompey's freedman LENAÆUS.⁹

In some cases, it is obvious that Suetonius not merely copied down some good source, but examined conflicting authorities and chose discreetly among them. Thus some had supposed that Tiberius was born at Fundi just because his maternal grandmother had been born there and because the senate of that place had there erected a statue of Felicitas. Suetonius, somehow not satisfied with this inscriptional evidence concerning a member of Tiberius's family, followed 'more and better authorities' who said that Tiberius was born on the Palatine in Rome. Nor did he follow them blindly; he looked up the *fasti* and the *acta publica*.¹⁰

¹ *Aug.* 5: regione Palati ad Capita Bubula, ubi nunc sacrarium habet, aliquanto post quam excessit constitutum.

² See Platner and Ashby, *A Topographical Dictionary of Ancient Rome* (Oxford, 1929), p. 443.

³ *Ibid.*, p. 444.

⁴ *Aug.* 30.

⁵ *Dom.* 1, 1: regione urbis sexta ad Malum Punicum, domo quam postea in templum gentis Flaviae convertit.

⁶ *Aug.* 100, 1: in cubiculo, quo pater Octavius . . . hora diei nona.

⁷ *Galb.* 4: in villa colli superposita prope Tarracinam sinistrorsus Fundos petentibus.

⁸ *De Grammaticis* 9: statua eius Beneventi ostenditur in Capitolio ad sinistram latus marmorea habitu sedentis ac palliati appositis duobus scriniis.

⁹ *Ibid.* 15: docuitque in Carinis ad Telluris, in qua regione Pompeiorum domus fuerat. Cf. 17, on the school and the statue of Verrius Flaccus.

¹⁰ *Tib.* 5.

Suetonius engaged in another bit of research pertaining to the birthplace of Caligula, which had been variously located in towns widely separated — Tibur, the village of Ambitarvium north of Coblenz, and Antium. Suetonius examines the evidence most minutely, correcting a chronological error of Pliny's, again finding the evidence of inscriptions delusive and paying no heed to the Siren of poetry, though certain *versiculi*, which he quotes, declared that the emperor was born in camp — i. e. near the town on the Rhine. Further to demolish that possibility, he quotes from a letter of Augustus. For himself, Suetonius turned to the sole remaining authority, the *acta publica*, once more, in which Antium was stated to be the birthplace; he also backed up that evidence with a reference to Caligula's known fondness for Antium. What a lot of sense and scholarship is packed into this brief chapter! ¹ Finally let us note that though Suetonius does not favor the northern site, he describes it most exactly — 'in Treveris vico Ambitarvio supra Confluentes.' Here we have the general region (*Treveri*), the nearest large centre (*Confluentes*), and the village itself (*Ambitarvium*). The latter is not on our modern maps, so far as I am aware, but a glance at Kiepert will show its location pretty clearly. It is north of Coblenz (*supra Confluentes*) and very little of the territory of the *Treveri* lies north of Coblenz.

I submit, therefore, that Suetonius was something of an expert in describing birthplaces, and that when he calls Virgil *Mantuanus*, he thought of the whole Mantuan district; when he says Mantua, he means the city; and when he states that the village called Andes was not far from Mantua, he locates it somewhere near the city and not near the border of the district. Such is also, evidently, the interpretation of Henry Nettleship,² whose sane and critical scholarship I join with Professor Conway³ in admiring. Indeed I would go a bit farther and be tempted to believe that had Suetonius, with his interest in both birthplaces and Virgil, been aware that M. Valerius Probus, to whom he devoted a section of his work *De Grammaticis*,⁴ had located Andes thirty miles away from the city of Mantua, he would have made some mention of the statement.

Let us turn for a minute to the Life by Probus, praised by Professor

¹ *Calig.* 8.

² See the passage quoted below, p. 92.

³ *Harv. Lect.*, p. 15.

⁴ 24.

Conway¹ and others for containing no mythical details, as that by Suetonius does.² I am inclined to accept Nettleship's conjecture, approved by Professor Conway, that it 'was compiled independently from the same materials as those used by Suetonius.'³ We will return to it a little later. Meantime let us observe that the presence of myth in Suetonius does not detract from the minute report of details that it contains. Indeed, it is in some respects more complete than Probus is in reporting the same matter. Thus, as we have seen,⁴ Suetonius adds *Mantuanus* after Virgil's name to indicate at once the region of his birth,⁵ while Probus does not. Suetonius gives the full names of the consuls, Pompey and Crassus, in whose years of office Virgil was born,⁶ but Probus does not.⁷ Suetonius names the year of the consuls and the day of the month when the poet died,⁸ but Probus does not.⁹ Probus says that his tomb lay on the *via Puteolana*,¹⁰ but Suetonius locates it more exactly on the same road *intra lapidem secundum*.¹¹ Professor Conway might at once reply that the Life by Probus as we have it is an abridgment,¹² and that the original might well have contained all these details. Agreed. More anon. For the moment I wish merely to point out that, as the last instance plainly shows, Suetonius, as ever, had his eye out for exact topographical details, and that when he used the phrase *a Mantua non procul* he presumably knew whereof he spoke.

The text of the first passage, that from the Life of Virgil by Probus,¹³ is of course very much in dispute. One possible way to dispose of it is to suppose that the excerptor of Probus is responsible for an error in locating Andes thirty miles away from the city of Mantua. Some

¹ *Harv. Lect.*, pp. 18, 35 f.

² Suetonius, a believer in dreams and omens, may have gathered some of the fables as he gathered scandals; and some, like the story of Virgil's tree, might have become by Donatus's time as fixed a part of the 'life' of the poet as Romulus, Remus, and the wolf had of early Roman history. We may, of course, owe some of the myths to Donatus.

³ *Ancient Lives of Virgil* (Oxford, 1879), p. 31.

⁴ Above, p. 70.

⁵ Nettleship (*op. cit.*, p. 3) collects other instances from Suetonius.

⁶ Brummer, *op. cit.*, p. 1, 5 f.

⁷ *Ibid.*, p. 73, 1 f.

⁸ *Ibid.*, p. 8, 132 f.

⁹ *Ibid.*, p. 74, 1.

¹⁰ *Ibid.*, p. 74, 3.

¹¹ *Ibid.*, p. 8, 134.

¹² *Harv. Lect.*, p. 36.

¹³ See above, p. 69.

scholars have thought it a most certain error. Nardi, for example,¹ points out that if you take a distance of thirty miles from Mantua towards the north, you reach a point beyond Verona; to the west, a point two-thirds of the way towards either Brescia or Cremona; to the south or the east, a point two-thirds of the way to Mutina or to Ateste. If Andes was located at any of these points, Virgil would have been called *Veronensis* or *Brixianus* or *Cremonensis*, etc. by Suetonius rather than *Mantuanus*. Professor Conway might perhaps discount the testimony of a Mantuan,² but some scholars outside Mantua and Italy have made, I think with much pertinence, the same point. So Ernst Diehl in his edition of the *Vitae Vergilianae*.³ So Heinrich Nissen in his *Italische Landeskunde*,⁴ an authoritative work by one who had examined not only the topography of Mantua but the geography of Italy — a study of the entire field is a specially fine equipment for a tiny portion of it.⁵ And then there is Henry Nettleship, whose argument is thus stated by Professor Conway:⁶ 'This [30 Roman miles] appeared to Nettleship to be too far from Mantua to be true; but his only ground for the objection is that Mantua was a small city.' But Nettleship did not say that. He said:⁷ 'Mantua had only a *small territory* (italics mine) and anyone born at such a distance from it would probably have

¹ *Per un' edizione critica, ecc.* (see above, p. 67), p. 9.

² See the remarks in *Harv. Lect.*, p. 22, and note 2.

³ Bonn, 1911, p. 9: 'dagegen Prob. *vico Andico qui abest a Mantua milia passuum* XXX, ein nonsens, man könnte dann mit gleichem oder gar grösserem recht auch Verona, Cremona, Parma oder Mutina als V.s vaterstadt bezeichnen.'

⁴ Berlin, 1902, II, 1, p. 204, note 1: 'denn es ist ganz unglaublich dass die Feldmark nach irgend einer Richtung und vollends nach Cremona hin sich je so weit erstreckt habe.'

⁵ Professor Conway, *Harv. Lect.*, p. 18, thinks that Nettleship, writing in 1879, and 'still more Nissen in 1902,' 'might have consulted' Mommsen, publishing *C.I.L.*, V, in 1872, 'before attacking the text of Probus on so flimsy a ground.' Nissen, who dedicates his work to Wilhelm Henzen, quotes *C.I.L.* constantly, three references to Vol. V occurring on the page (204) which Professor Conway cites. One of these is to the very passage in Mommsen's account of the inscriptions of Verona and Hostilia to which Professor Conway appeals — save that he gives a wrong reference (*C.I.L.*, V, p. 317) and Nissen the correct one (*C.I.L.*, V, p. 327). As for Nettleship's acquaintance with Mommsen's views and the *C.I.L.*, Professor Conway has only to turn to the passage that I quote below, p. 92.

⁶ *Harv. Lect.*, p. 18.

⁷ See below, p. 92.

become a citizen either of Cremona, or Brixia, or Verona, or Vicetia or Patavium.' Nettleship is thinking not of the city but of the entire district. He had made exactly the point that Nardi, Diehl, and Nissen make. He does not state that a *vicus* might not be as far as thirty Roman miles away from a mother-city. He means that that distance measured in any direction from *the city of Mantua* would land one outside its entire territory. Of course the size of the city itself would have something to do with the case, since a small city, *ceteris paribus*, would have a small amount of territory about it.¹ In any case the probable extent of neighboring communities must be considered. The instance cited by Professor Conway² (after Mommsen) of Hostilia, a *vicus* of Verona on the Po and thirty-three miles distant from that city, is not in point. For no large centre like Verona intervenes between it and the Po.

Further, there is the stubborn fact to consider that both Calvisano and Carpenedolo are today in Brescian territory. Of course the ancient boundary *might* have been different, and of course it is true that two towns, Castiglione and Asola, as Professor Conway points out,³ which were Brescian up to 1797, are now Mantuan. It would have been a bit more comfortable for his theory if they had once been Mantuan and were now Brescian. Castiglione, as a glance at the map at the back of *In Quest of Virgil's Birthplace* will show, occupies the northwestern tip of the *provincia di Mantova*, not far from Carpenedolo. Asola lies to the south on the east bank of the Chiese. At least part, then, of the present 'nose' of Mantua belonged in Brescian territory. There was, therefore, a certain invasion made (since 1797) by Mantuan territory on Brescian at Castiglione on the north and Asola towards the south. Whether any encroachments occurred between these two points I do not know, but in any case Carpenedolo and Calvisano lay on the other side of these points of invasion. The push in modern times has been from Mantua

¹ Mommsen's point (*C.I.L.*, V, p. 406) is that though the city was small, the evidence of the inscriptions does not show that the district was necessarily (*sine dubio*) small. ('Territorium Mantuanorum exiguum sine dubio ut ipsum oppidum parvum fuit, quatenus pervenerit, tituli parum indicant'). That there is some uncertainty about the assignment of some of the inscriptions would appear from his final remark (*ibid.*): 'ut cuius liberum de his iudicium relinquitur.'

² *Harv. Lect.*, p. 18.

³ *Harv. Lect.*, p. 22, note 2.

towards Brescia. It does not seem likely that in ancient times when Virgil's city was less important than its neighbors on the west, Brescia and Cremona, it should have included more territory than it possessed before this push began.¹ Again the theory of Professor Conway has to rest on the shifting sand of possibility rather than the bed-rock of certainty.

We may now, therefore, revert to the statement of Servius with regard to the land measured off by Octavius Musa—fifteen Roman miles from the boundary of Cremona—and to the three miles from the city wall that Alfenus Varus was ordered to leave to the city.² Let us begin this time with the city walls and advance eighteen miles. That brings us to a point not far from the junction of the Oglio and the Chiese. Turning to the north, eighteen miles brings us near to Asola on the Chiese, which before 1797 was a part of Brescia. The boundary of the Mantuan district was never a perfect circle, but it is far more likely that any point upon it was much nearer to eighteen than to thirty miles distant from the mother-town.

I find, therefore, enough evidence of an external character against Probus's *milia passuum triginta* to discredit it, whether it is the original reading of his work or not. On the manuscripts of that work and their relation to the *editio princeps* by Egnatius in 1507, on the ancient codex of Bobbio which Egnatius averred that he used, on his trustworthiness and his editorial habits and on his reading of III for XXX, I will say nothing more at this time, since, as I have already announced,³ these are matters for a doctor's thesis now in preparation by Mr. F. M. Wheelock, a member of the Harvard Graduate School. A good deal could be said in refutation of Professor Conway's statements on all these points, but for the moment let there be a moratorium. Even after the utterance of a Sabbadini⁴ the last word has not been said. What-

¹ On the relative importance of the three places, along with Verona, see Mommsen's accounts in *C.I.L.*, V, pp. 327, 406, 413, 439; Nissen, *op. cit.*, pp. 196-208.

² On *Ecl.* vii, 10. See *Quest*, pp. 114 f., R ii, p. 69, and above, p. 65, note 3.

³ R i, p. 6. See the summary of this thesis given below, pp. 247-250.

⁴ See above, p. 66. Professor Conway (C ii, p. 211) is 'content to leave the issue between the ingenious structure of conjectural possibilities which Professor Rand puts forward — though he has considerably changed it since it first appeared — and the new and definite facts put forward by Sabbadini.' For my part, I am content to await the verdict that is possible only when all the evidence is in — changing my

ever prove to be the history of the text of Probus from Pomponius Laetus to Egnatius and whatever the character of Egnatius and his edition, I will naturally abide by the result.¹

But just here we should consider one of Professor Conway's statements that perhaps should deter us from further investigation of the part of Probus's Commentary that follows the Life of the poet. His words are:²

Another of the methods by which Professor Rand endeavors to discredit the Life by Probus is to lump it together with the Commentary on the *Bucolics* and *Georgics* that follows it, which is a totally different affair, as Nettleship long ago pointed out (see his Essay in Conington's *Virgil*, Ed. vi³ (1881), pp. lxx ff.). By combining these two different things in one statement, Professor Rand is able to say without direct mis-statement that 'the main interest of the compiler is mythological.'

First a word on my 'endeavors to discredit the Life by Probus.' For I even go 'further in' my 'misrepresentation of the document,' citing as a blunder unworthy of Probus the statement 'that the evictions at

views whenever new and definite facts require. Meanwhile Sabbadini is reckoning only with the text of the Life — a very meagre part of the entire work. For the moment I can say with all positiveness that his division of the sources for the text (*op. cit.*, p. 91) into 'due fonti primarie,' i. e. *B* (ed. princ. of 1471) and *V* (Vat. lat. 2930) and 'due fonti secondarie,' i. e. *M* (Monac. lat. 755) and *E* (the edition of Egnatius) — with no mention at all of *P* (B. N. lat. 8209) — is not a 'new and definite fact' but a very questionable private theory.

A most important article, partly in answer to Sabbadini, is by Mgr. Giovanni Mercati, 'A Proposito del Commentario di Probo a Virgilio,' *Rendiconti della Pontificia Accademia di Archeologia*, VIII (1932), pp. 23-29. After the divergent views expressed by such eminent experts as Sabbadini and Mercati on the nature and the wanderings of the Bobbio codex, it is evident that these matters lie not in the domain of 'new and definite fact,' but in a new field awaiting exploration.

¹ Professor Conway (C ii, p. 211) declares: 'Professor Rand himself persists in confirming this estimate' [i. e. his own estimate of Egnatius] 'though much against his will.' But there was no reluctance on my part, either felt or expressed, in providing for the possibility — and this is the only point that Professor Conway brings up — that Egnatius may have used a copy of the Bobbio MS. rather than the MS. itself. I am prepared to change any opinion that I have expressed about Egnatius or anything else in the light of new evidence on the matter.

² C ii, p. 212.

³ An obvious misprint for iv. The sixth edition of this lasting monument to English scholarship will be — we all hope at no distant date — that which Professor Conway himself is now preparing.

Mantua . . . occurred after the battle of Actium.' In reply Professor Conway declares: that the 'word *Actium* nowhere appears in what Probus wrote, and the clause which Professor Rand chooses to refer to Actium occurs in the sentence about Mutina; and this has a lacuna for which Professor Rand expressly commends my restoration.' This 'curious view' which Professor Conway has 'never seen taken by anyone else' and which for him illustrates my 'freedom of dogmatic statement' might have seemed less curious and less dogmatic had he looked up, or if he looked up, had carefully pondered, the passage to which I referred. I was speaking ¹ of 'the *Life* of Virgil with the commentary on the *Bucolics* and the *Georgics* that goes under the name of Probus,' and after repeating the general consensus of opinion as to its character, referring to the discussion in Schanz, I cited as an example of the blunders made in this work the statement that the evictions at Mantua and its vicinity occurred after the battle of Actium. For that statement I referred ² to 'Thilo and Hagen, *Appendix Serviana*, 1902, p. 327, 24-33.' If Professor Conway will look up that passage he will find that my statement is perfectly correct. It occurs not in the *Life* but in the Preface on Bucolic poetry. There is no possible doubt about the date intended: the writer has just been speaking of the loves of Antony and Cleopatra. I am not speaking in that paragraph exclusively about the *Life*, but about the entire work, which is composed of the *Life*, the preface on Bucolic poetry, and comments on the *Eclogues* and the *Georgics*.³

But this failure to follow up a reference is not damaging to Professor Conway's argument. He might at once reply that the error of the commentator illustrates only too well the difference between that part of the work ascribed to Probus and the *Life* of the poet with which it begins. He reminds me ⁴ that Nettleship long ago pointed out this

¹ R i, p. 21.

² Note 5. In Keil's edition of the commentary of Probus (Halle, 1848) the passage occurs on p. 5, ll. 24-34.

³ I feel sure that Professor Conway cannot regard my interpretation of *this* passage as curious or unique. If so, I would refer to the essay of Nettleship that he mentions where Virgil's great editor (I, p. lxvii) speaks of 'the gross historical blunder with which the commentary on the *Eclogues* opens — assigning as it does the confiscation of Virgil's estate to the time which followed the battle of Actium.'

⁴ C ii, p. 212.

difference. I am sorry, but I cannot find just where. In the essay to which he refers,¹ I note first a natural commendation of the notes of Probus on Virgil preserved by Servius; these cover a wide range of topics and are of the highest order. Coming to the extant commentary on the *Bucolics* and the *Georgics*,² Nettleship scores its weaknesses vigorously, but says nothing of any distinction between the *Life* and that which follows it.³ A passage elsewhere which Professor Conway perhaps had in mind and which he had quoted before runs, as given by Professor Conway: ⁴ 'This fragment, so far as it goes, is so good that we can only wish more had survived.' This does look like a whole-hearted admiration for the *Vita* — until we quote a bit more exactly. Nettleship's words are: ⁵ 'The fragment of a memoir attributed to Valerius Probus, though containing one gross historical error, is, as far it goes, so good, that we can wish that more of it had survived.' Professor Conway had therefore extracted a fly from this ointment before regaling his readers with its fragrance. Moreover, Nettleship refers to the *Life* elsewhere ⁶ in such a way as to intimate that it was *not* to be distinguished from the Commentary.⁷ He is *not*, therefore, unless some passage that Professor Conway remembers, but does not quote, has slipped me, an authority for the latter's opinion that 'In any case, the brief *Life* of Vergil stands on a different footing from the Commentary to which it is prefixed' ⁸ — Probus *versus* Improbis, shall we say?

Nor is Professor Conway's view the accepted view today, as Nettleship's supposed settling of the case 'long ago' ⁹ might imply. Whatever

¹ Ed. iv (1881), pp. lxx ff.

² P. lxvii.

³ There is nothing more on this point in the Fifth Edition, rev. by F. Haverfield (London, 1898), p. lxiii. Professor Conway has correctly summarized Nettleship's remarks in a sentence in *Harv. Lect.*, pp. 35-36. But what follows after this sentence represents Professor Conway's views and not those of Nettleship.

⁴ *Harv. Lect.*, p. 18.

⁵ *Ancient Lives*, p. 31.

⁶ Ed. iv, I, p. xvii. So ed. v (Haverfield, 1898), p. xvii.

⁷ *Op. cit.*, p. xvii: 'There is also a *Life* prefixed to the commentary which bears the name of Probus, which may also be ultimately based on Suetonius, but whose author, whoever he was and whatever authorities he followed, cannot be acquitted of either ignorance or carelessness.' The second 'which' clause refers to 'Life' and so does 'whose author.' See below, p. 86.

⁸ *Ibid.*, p. 36.

⁹ C ii, p. 212.

the merits or defects of the different parts of the work, they are very generally, if not universally, regarded as forming a whole, a texture of one weaving.¹

On the controversy that the work has occasioned, Professor Conway's account² is strangely inadequate and misleading. He says, 'The question which has been hotly debated for the last sixty years is whether the contents (so far as they go) of the actual document which we possess are worthy of Probus.' By this document he means the *Vita*, which he prints. He then remarks³ that 'This Life was criticized by Thilo, who . . . amplifies the objections raised . . . by Riese.' He disposes of Norden, along with Thilo, and finally, to quiet the reader's fears lest 'the doubts of two such scholars as Thilo and Norden' should mean something, states⁴ that 'the weight of authority is strongly against them.' He lines up a formidable array composed of Nettleship, Jahn, Keil, Ribbeck, Mommsen, and Huelsen. Even Martin Schanz, it would appear, is enlisted, for he, 'though he gives more than enough room to Thilo's views, still puts the *Life* first in his list of Vergil biographies, calling it, quite truly, a skeleton of facts.'⁵

One would imagine that the controversy had been waged particularly, or exclusively, over the *Vita*. That is not true. All the writers named by Professor Conway and others noted by Schanz, by Teuffel,⁶

¹ I referred before to Schanz (R i, p. 2), so let me add Teuffel, § 301, 6, 5 (6^{te} Aufl., II, p. 261, repeated in 7^{te} Aufl., p. 256): 'Das Ganze ist eine Kompilation von verschiedenen Stücken und aus verschiedenen Quellen; drei Hauptteile sind zu unterscheiden: eine Vergilvita, eine Einleitung zu den Bucolica und ein aus sehr verschiedenwertigem Material zusammengetragener Kommentar.'

² *Harv. Lect.*, pp. 36-38.

³ P. 37.

⁴ P. 38.

⁵ *Harv. Lect.*, p. 38. Schanz's real views are clearly expressed in the passages (§§ 248, 4; 479, 4) to which I referred (R i, p. 2, note 4). In the first of these, dealing with the *Vita* he remarks: 'Unter allen Umständen steht fest, dass der Verfasser der vita nicht der berühmte Grammatiker M. Valerius Probus ist.' At that point he refers to the later passage, in which the Commentary is discussed — a reference that shows his acceptance of the essential unity of the *Vita* and the Commentary — and there he remarks, 'man wird also höchstens das Eine zugeben können, dass sich M. Valerius Probus unter den Quellen des Verfassers befunden hat.'

⁶ An exceedingly clear statement is made in the 6^{te} Aufl., II, p. 261 f.; 7^{te} Aufl., p. 256. The revisers, Kroll and Skutsch, like Schanz, give the *Vita* the first place (p. 23), allowing, presumably, for the possibility that Probus, who chronologi-

and by Wessner, reviewer of works on the ancient grammarians and commentators in Bursian's *Jahresbericht*,¹ discuss the entire commentary and not the *Life* as a thing apart. All, to the best of my knowledge, agree that the work — consisting of *Life*, Preface on Bucolic Poetry, and scattered comments on the *Bucolics* and the *Georgics*, contains both good material and stupid blunders. The point at issue is, whether there is enough of the good to allow the supposition that the work, whatever its defects, is an extract from Probus, or whether its blunders force the conclusion that its compiler drew from a variety of sources, good, bad, and indifferent, which he combined in a helter-skelter fashion, mendaciously gracing the title with Probus's name.² To cite but the names given in these three works, the first of the two views is held by Jahn, Ribbeck, Körtge, Georgii, Klotz, Marx, Aistermann, the other by Riese, Kübler, Beck, Thilo, Norden, Schanz, Kroll and Skutsch (presumably), Wessner.

It is a moot question, therefore, with great names on either side. I still find highly impressive the arguments of Ribbeck in his review of Riese,³ and I am therefore disposed to believe that a later compiler, a careless and stupid compiler, used the commentary of Probus as a starting-point. That commentary, further, may have come down not from a written word by Probus but from a copy taken down by a pupil

cally is first, furnished at least the outline for this *Vita*. However, they add at once: 'Der Auszug hat mit Probus kaum etwas zu tun, sondern scheint bereits Donat zu benutzen.' In the 7^{te} Aufl. (p. 23), apparently tired with the false prominence heretofore accorded the work, they put it last of the four *Vitae* considered.

¹ CXIII (1903), pp. 201-204; CXXXIX (1908), pp. 152-153; CLXXXVIII (1921), pp. 78-88. The report of F. Lammert, CCXXXI (1931), pp. 48-49, mentions no more recent works. Since Wessner is one of the collaborators on the sixth and seventh editions of Teuffel, he is probably the expert whose views on 'Probus' are there given — with the approbation, presumably, of the two revisers.

² The suggestion of J. Steup, *De Probis grammaticis* (Jena, 1871) [see Schanz, *op. cit.*, p. 33] that the compilation is the work of a later Probus has met with little favor.

³ *Fleck. Jahrb.*, LXXXVII-VIII (1863), pp. 351-355. See also the *Prolegomena* to his edition of Virgil (1866), pp. 163-165, where both good and bad points of the Commentary are given. Ribbeck's view seems substantially that of Nettleship (see above, p. 74). Its latest exponent is I. Aistermann, *De M. Valerii Probi Vita et Scriptis* (Bonnae, 1909), p. 72.

as the master dictated,¹ or the commentator may have written down many of his notes from memory² or he may have used a manuscript the margins of which had been filled with random observations entered there at various times.³ It would seem, however, that the weight of authority, as represented by Schanz, the revisers of Teuffel, including a specialist on ancient commentaries like Wessner, had been shifting to the other side⁴—until Professor Conway wrote. Surely the view that the *Life* attributed to Probus is 'incomparably superior to every other' is, so far as I can discover, confined to Professor Conway,⁵ and when he declares⁶ that 'nothing is more probable' than that the bungler who put together from miscellaneous sources the remainder of the work abridged for his preface the *Vita* by Probus without somewhat bungling that too, I cannot find that Professor Conway's enthusiasm for such a hypothesis is shared by those who have written on this subject.⁷

¹ Thilo, *op. cit.*, *Fleck. Jahrb.*, CXLIX, p. 293. This suggestion is favored by Aistermann, p. 72.

² Thilo, *op. cit.*, p. 294.

³ F. Marx, *C. Lucilii Carminum Reliquiae* (Lipsiae, 1904), p. lxxiii. Conflation is clearly shown by the presence of *in alio sic* before several comments (*Ecl.* iii, 40, *Georg.* i, 244, ii, 37). See also A. Riese, *De Commentario Vergiliano qui M. Valeri Probi dicitur* (Bonnae, 1862), p. 16.

⁴ That was Norden's estimate at the time he wrote his article *De Vitis Vergilianis*, *Rhein. Mus.*, LXI (1906), pp. 166-177. See p. 171: *quamquam plerosque nunc Probi nomini diffidere intellexi*. Aistermann's defence was not accepted by Wessner in Bursian's *Jahresbericht*, *loc. cit.* (1921), p. 85.

⁵ *Harv. Lect.*, p. 34. The general opinion, voiced by Teuffel and Schanz, is still that of Nettleship, whom Professor Conway so inadequately reports and who says (ed. iv, I, p. xvii): 'The fullest and most authentic life of Virgil now existing is that' of Donatus, 'now by almost universal consent of scholars assigned to Suetonius.' An identical estimate is that of an admirable Virgilian, the late Henri Goelzer, in his edition and translation of Virgil's *Oeuvres* (*Les Belles Lettres* [Paris, 1925]), p. v, note 1.

⁶ *Ibid.*, p. 36.

⁷ With the possible exception of Sabbadini, who in his recent article (see above, p. 66) surely has expressed a high opinion of the historical value of the *Vita*. It is a mutilated abridgment, he declares, made at a rather late date ('in un tempo piuttosto recente'), but the substance comes from Probus and has 'un valore personale digno della massima considerazione.' In his important article *Le Biografie di Vergilio*

I cannot undertake to pass in review either all the excellencies of the Commentary or all the errors of the *Vita* that writers on the subject have amassed, but a few instances of both sorts may be of service to the reader.

On the first point, Professor Conway himself in his earlier article¹ declared that some of the sources from which the Commentary was drawn 'were exceedingly good and early,' though now as then he declares that the Commentary 'is a totally different affair from the Life.'² Mommsen could hardly have felt that difference so keenly, otherwise he would not have so commended the account in the preface to the *Bucolics* of how Virgil lost his estate³ that he discarded the other versions of this episode.⁴ Whatever the accuracy of Mommsen's judgment on this point,⁵ he evidently thought that the same Probus commented on the *Eclogues* who wrote the *Life*.

I may add one more instance that in my opinion very closely binds Commentary and *Life* together. The statement is made in the *Life* that Virgil wrote his *Bucolics* at the age of twenty-eight.⁶ This is one of those facts in the *Vita* which Professor Conway and Sabbadini, I suppose, would accept without a question. But the very preciseness of the statement cannot pass unchallenged. What does the excerptor mean to say? If he means that Virgil began the writing of his pastorals at that date,⁷ he should have said *scribebat* or *scribere incepit*. If he means that he finished them then, as the perfect tense *scripsit* would imply, he is wrong, since the Fourth Eclogue is surely dated 40 B.C., and the Eighth

antiche, medievali, umanistiche, Studi Italiani di Filologica Classica, XV (1907), pp. 197-261, he waives a treatment of the *Vita* (p. 204: 'di essa non ci occupiamo'), since the work was unknown in the Middle Ages. See below, p. 91.

¹ *Harv. Lect.*, p. 31.

² C ii, p. 212.

³ He quotes: 'Unde factum, uti Vergilius quoque agros, amitteret, quos sexaginta veterani acciperent. Sed . . . nisi fugisset.' (Keil, p. 6; Hagen, *Appendix Serviana*, in Thilo and Hagen's *Servius*, III, 2 [1902], 327, 33-328, 5).

⁴ *C.I.L.*, V, p. 406: Sic Probus eclogarum interpret (p. 6, Keil), qui reliquis accuratius de ea re exponit; alias aliorum de eadem re narrationes paullum diversas missas facimus, cum ad Mantuae condicionem cognoscendam parum pertineant.

⁵ See below, p. 86.

⁶ *Ibid.*, p. 323, 13: Scripsit Bucolica annos natus VIII et XX.

⁷ So Nettleship (*Ancient Lives*, p. 48), but evidently with some qualms: 'Probus, if it be Probus, [says] that he wrote them, i. e. I suppose, began them, in his twenty-ninth year.'

the year after. If he means that some of the *Bucolics* had then been written, he ought to have said so. If now we look on into the account of Bucolic poetry, we find the same remark again.¹ This statement is perfectly clear, and interprets for us, I should say, what *scripsit* in the *Vita* means. Both statements, therefore, are wrong, but at least we see that both parts of the work are closely bound together, and that in this case the *more* precise and valuable form is not that in the *Vita*. The mention of Asconius Pedianus, no mean authority,² shows that the excerptor depended on a good source in this case. It is of course not impossible that Probus should have cited his own contemporary, though in such a matter as this it would have been more likely that so careful a scholar turned rather to some authority nearer Virgil's own times.³ It is at least equally possible to believe that the compiler turned in both places not to Probus but to Asconius Pedianus, and that in abridging he distorted what he found.⁴

Though, once more, this is not the place to pile high the Commentator's blunders, I may mention a few before coming to the *Vita*. Surely geography is not one of our compiler's strong points.⁵ He calls the Umbrian Clitumnus a river of Etruria;⁶ Taburnus⁷ is a mountain of Apulia — it really is in Samnium not far from Campania. Riese was inclined to believe that the writer compiled his notes somewhere outside of Italy — until he found that the ignorance of general geography is quite as startling.

Passing to history, we note that Xerxes was defeated at Marathon⁸

¹ *Ibid.*, p. 329, 5-7: Nec mirandum, quod infra senem se dicit, cum certum sit eum, ut Asconius Pedianus dicit, XXVIII annos natum Bucolica edidisse.

² See above, p. 71.

³ Norden (*op. cit.*, *Rhein. Mus.*, LXI, p. 172) cites this note to illustrate his assertion that there is no true statement in the *Vita* that may not be found elsewhere; in this case, Servius has it (ed. Thilo and Hagen, III, 1, p. 3, 26 and *ad Ecl.* i, 28; cf. Thilo, *op. cit.*, *Fleck. Jahrb.*, CXLIX, p. 292). But Servius does not refer to Asconius Pedianus.

⁴ The statement in the Suetonian *Vita* (§ 25, Brummer, *op. cit.*, p. 6, 89, *bucolica triennio, georgica VII, Aeneida XI perfecit annis*), though likewise not exact, is more satisfactory. See Nettleship's sensible discussion (*Ancient Lives*, pp. 48 f.).

⁵ I take these illustrations from Riese's careful work, pp. 21 f.

⁶ *Georg.* ii, 146; Hagen, p. 370, 5.

⁷ *Georg.* ii, 38; Hagen, p. 367, 19.

⁸ *Ibid.*, p. 23; Hagen, p. 324, 9-11.

and that Virgil wrote his *Eclogues* at the time of the battle of Actium.¹ Riese also singles out as an *inepta narratio* the very passage on the apportionment of the lands about Mantua that Mommsen had so admired.² I confess I share Riese's suspicion of this passage, especially of the statement: 'unde factum ut Vergilius quoque agros amitteret quos sexaginta veterani acciperent.' *Ça va fort*, as the French say. 'Regali opulentia Vergilium fuisse mirabundi audimus,' remarks Riese. Of course with a farm stretching from the ridge at Carpenedolo to the Chiese a mile and a quarter away, each of the sixty veterans might have been made happy with an acre and a cow.³

If we turn to the *Vita*, in the light of such remarks as these in the Commentary, *the work of the same compiler*, we may well be disposed to look with a critical eye on the historical and geographical statements in that abridged outline. It truly contains no fables, but just because it is matter-of-fact, its matter is not necessarily all fact. Indeed, according to Henry Nettleship, it contains 'a grave historical mistake' or 'gross historical error.'⁴ That occurs in the passage that Professor Conway thought I had in mind⁵ in which the distribution of land to the veterans is declared to have occurred after the battle of Mutina rather than after Philippi.⁶ I will admit that a glimmer of truth may underlie the statement;⁷ and the lacuna at this point, which I gladly grant once more Professor Conway has endeavored to fill with more success than anybody else,⁸ makes us uncertain as to just what the compiler originally

¹ *Ibid.*; Hagen, p. 327, 24-33. This is the error to which I pointed. See above, p. 79.

² See above, p. 84.

³ How wide was the farm at Carpenedolo? Did it run for a mile and a quarter along the ridge — if the ridge runs thus far — or was it of modest width, with a 'corridor' stretching *ad aquam*?

⁴ *Ancient Lives of Virgil*, pp. 7, 31. Nettleship refers us to the Suetonian Life § 19 (Brummer, *op. cit.*, p. 5) 'for the facts.' See also Thilo, *op. cit.*, p. 291, and, despite his acceptance of a Probian basis for the work, Aistermann, *op. cit.*, p. 72.

⁵ See above, p. 79.

⁶ Hagen, *Appendix Serviana*, p. 323, 7 f.

⁷ I have so assumed in treating of the *Dirae*. See *The Magical Art of Virgil* (Cambridge, Mass., 1931), p. 63.

⁸ *Harv. Lect.*, p. 36. What I have said (*Quest*, pp. 136, 167, note 91; R i, p. 4) does not amount to an absolute acceptance of that filling of the gap. I still regard it as 'ingenious' and recognize that it 'proceeds on the plausible hypothesis' (im-

said. In any event, the poet was first (*primum*) dispossessed of his estate, or threatened with dispossession, after the battle of Mutina (the veterans being somehow concerned), and later (*postea*) restored through the kind offices of his friends and patrons. But whatever the excerptor said about the veterans in connection with Mutina, the clause preceding contains, to my mind, a grave historical error of another kind:

Sed cum iam summis eloquentiae doctoribus vacaret, in belli civilis tempora incidit, quod Augustus adversus Antonium gessit primumque bellum, etc.

If we pass by that curious clause '*cum iam summis eloquentiae doctoribus vacaret*,'¹ we are startled to find that the civil war which the poet encountered at the time of the battle of Mutina was that between Augustus and Antony. It does not help matters for Conway to apply a coat of very drab whitewash by supposing that the later redactor substituted *Augustum* for Probus's *Octavianum*.² A careful historian would use a phrase like that of Mommsen's:³ '*in bello quod inter Brutum Cassiumque et Caesarianos gestum est*.' The original statement by Probus, if, as I still think possible, by Probus it was, would have been as accurate. In this redaction, however, the same hand is at work, I believe, that a few pages later⁴ dated the allotment of land to the veterans after the battle of Actium. Such an interpretation of this passage, which I did not mention in my remarks that Professor Conway attacked but which I am now glad to throw into the scales, is to him a curious view, which he has 'never seen taken by anyone else.'⁵ He will find it very vigorously expressed by Riese, who regards the error as involving a '*major*

possible without the text of Egnatius) 'of an omission due to homoioteleuta.' I now, after more careful consideration, feel less certain of its 'probability' since Professor Conway fills in so much — *primumque post Mutinense bellum <ager eius in praemium victoriae destinatus, deinde abreptus distributusque post Philippense bellum> ueteranis*. Even this does not remove the 'grave historical error,' since the *decision* to allot Virgil's estate is still made after the battle of Mutina.

¹ *Vacare* in the sense of 'to find time for,' 'to devote one's self to' does not take a *personal* indirect object — it is *studiis vacare*, *philosophiae vacare*, and the like.

² C ii, p. 212, note 2.

³ *C.I.L.*, V, p. 413.

⁴ See above, p. 79.

⁵ C ii, p. 212.

etiam temporum perturbatio' than the passage on Mutina that succeeds it.¹

The passage just considered contains, according to Professor Conway,² 'the only point [in the *Vita*] that there is even an excuse for . . . regarding' as a blunder unworthy of Probus. But other scholars have found matter for grave question elsewhere. I waive of course the less accurate forms of statement than that in the Suetonian *Vita*,³ since for such slight blemishes one may readily pardon a redactor. More important is the error made, according to some, in the statement concerning the gifts received by Virgil, which the compiler had bungled in taking it from Suetonius, as Riese has it, '*quasi per nebulam recordatus*.'⁴

Another dubious declaration in the *Vita* is that Virgil began his *Aeneid* at the time of the war with the Cantabrians,⁵ i. e. 26-25 B.C. But this is too late. The statement in the Suetonian Life that the poet spent eleven years on the *Aeneid*⁶ must be approximately correct, since he read the finished *Georgics* to Octavian in 29 B.C.⁷ Of course it is irrelevant to enter the poet's mind and tell us just when he began a work like the *Aeneid*; like Milton, Virgil had a great plan of this sort from his youth. From this point of view the statement of Suetonius, as I have just said, is only approximate,⁸ and that of Probus is palpably absurd; Virgil's mind was not a blank for three years. Sabbadini, to be sure,⁹ welcomes this information as important, though accepting, after Suetonius, the year 29 B.C. as that of the beginning of the *Aeneid*. He solves the paradox by reaffirming his view that there was a first edition of the *Aeneid*, consisting of Books III, V, I, II, IV, VI, completed before 26-25, and that the beginning recorded by Probus is the beginning

¹ *Op. cit.*, p. 24. Since Sabbadini (*op. cit.*, p. 94) has no comment at this point, does he regard the statement as correct? He states that the text is mutilated and that it is impossible to fill the gap. But whether the gap be filled or not, the error is patent despite the mutilation.

² C ii, p. 212.

³ See above, p. 74.

⁴ Hagen, III, 2, p. 323, ll. 15 f. See Riese, *op. cit.*, p. 25; Thilo, *Fleck. Jahrb.*, CXLIX, p. 292; Aistermann (*op. cit.*, p. 72) also admits an error here.

⁵ Hagen, III, 2, p. 323, ll. 14 f.: *Aeneida ingressus bello Cantabrico*.

⁶ § 25; Brummer, p. 6, 89 f.

⁷ § 27; Brummer, *ibid.*, p. 11, 91 ff. See Nettleship, *Ancient Lives of Vergil*, pp. 52, 70.

⁸ See above, p. 85, note 4.

⁹ *Op. cit.*, p. 94.

of the second edition, in which the books appear in the present order. Therewith, to use his appropriate word, we find ourselves in the domain of *ipotesi*. The compiler says absolutely nothing about first and second editions; he is talking about the beginning of the work.¹ I find unanswerable the indictment made by Thilo² that the mind of the compiler was obsessed with a cloudy recollection of the energetic letter sent by Augustus to Virgil at the time of the Cantabrian War requesting the poet to send him at least some part of his new work.³

Finally there is the little poem on Virgil's wish to burn his *Aeneid* with which the *Vita* ends. Since it is attributed to Servius Varus and since no Servius Varus is recorded in the annals of Roman letters, Jahn, rather violently, emended the name to Servius Maurus, that of Virgil's famous commentator of the fifth century. Thereby the whole *Vita* descends to that date or later. One remedy, an easy one, is to declare the poem, with the sentence that introduces it, an interpolation. So Reifferscheid (but not Keil), followed by Nettleship. Professor Conway declares: ⁴ 'Everyone admits that the portion in square brackets was added by the compiler.' That is a dangerous admission to make, since if the compiler treated Probus's *Vita* thus freely here, he may have committed similar indiscretions elsewhere in the same part of the work as well as later. Further, if we admit that the whole work is of one piece, the supposition of an interpolation in any part of it would seem an extravagant, not to say ridiculous, bit of luxury. Professor

¹ Keil, followed by Reifferscheid and Nettleship, *Ancient Lives*, p. 7, assumes a lacuna after *Cantabrico*, but that does not affect the plain meaning of the preceding words. Nettleship thinks that a reference to Homer, to match the mention of Theocritus for the *Bucolics* and Hesiod and Varro for the *Georgics*, may have been made. Probus, of course, would have made such a statement, but whether our compiler would have included it is another question. This lacuna is not assumed in the later editions of Hagen, Diehl, and Brummer. The text of the last two, with *hac* (P M) not *hoc* (V) *quoque ingenti industria* is, though bunglingly expressed, perfectly intelligible.

² *Fleck. Jahrb.*, CXLIX, p. 292.

³ See the Suetonian *Vita* § 31 (Brummer, p. 7, 104-107). Nettleship (*loc. cit.*) also refers to this passage. Did he share Thilo's sentiments, or did he mean to suggest that the lacuna also contained the gist of Suetonius's anecdote? The latter is the only way to save the veracity of the Probian *Vita*, but it involves a *petitio principii*. Aistermann (*op. cit.*, p. 72) admits that there is an error at this point.

⁴ *Harv. Lect.*, p. 37.

Conway's 'everyone' needs considerable modification. Thilo,¹ followed by Norden,² whose works Professor Conway has 'studied with care,'³ insists that we should not assume any interpolation. He will find no brackets in the text as edited by Hagen and Brummer, nor did he find any in that of Diehl, on which he based his own edition of the little work 'so short, so interesting, and so little known.'⁴ I am a little surprised that he makes no reference to the article of J. W. Beck,⁵ who declares that Servius Varus is '*unus ex sexcentis illis aevi Augustei vatibus, de quibus aliunde nil nobis traditum est.*'⁶ That is the way to save the face of Probus. I am not aware that anybody has accepted Beck's suggestion that the little poem is a specimen of Augustan poetry.⁷ To me it has the flavor of the later *carmina Vergiliana* published by Baehrens.⁸ In fact in the Suetonian *Vita* the poem, with an additional distich, is attributed to Suetonius's contemporary C. Sulpicius Apollinaris.⁹

We are now ready again to pit III against XXX, though this is only a preliminary bout. What is the reading of the Probian text and what manner of man was Egnatius are questions, once more, for Mr. Wheelock to determine. Without considering here the outcome of his investigations, I am content to revert to my former account of the work ascribed to Probus,¹⁰ and in the further light of the matter pre-

¹ *Fleck. Jahrb.*, CLXIX, p. 293.

² *Rhein. Mus.*, LXI (1906), p. 174.

³ *Harv. Lect.*, p. 37.

⁴ *Harv. Lect.*, p. 36.

⁵ *Fleck. Jahr.*, CXXXIII (1886), pp. 502-509.

⁶ P. 508.

⁷ Would Sabbadini so regard it? He uses no brackets and suggests no emendation of Servius Varus (*op. cit.*, p. 93).

⁸ *P.L.M.*, IV (1882), pp. 156-239.

⁹ A reworking of that poem appears in a famous mediaeval anthology (Leyden MS. Voss. fol. 111, saec. IX); see *P.L.M.*, IV, p. 177; Riese, *A.L.* ed. 2, II, p. 121. The title in this poem confirms Suetonius's attribution to C. Sulpicius Apollinaris; that the language of the poem as given by Suetonius is the original, and that the form in the Vossianus is derived from it, is confirmed by that in the Probian Life — unless of course the compiler of the latter drew straight from Suetonius. Beck has hard work in explaining how the name of Sulpicius Apollinaris got into the Suetonian *Vita*. Nettleship (*Ancient Lives*, p. 8) accepts Sulpicius Apollinaris as the author.

¹⁰ R i, p. 2.

sented in the present paper I am quite prepared to believe that the man who, among other absurdities, could populate Virgil's modest farm (*Ecl.* i) with sixty veterans could also remove it thirty miles from Mantua.¹

Let us take another and final look at the authorities whom Professor Conway has arrayed on his side. The misleading character of his statement of the case has already been made clear.² What he really should give us is a list of those besides himself who have accepted *milia passuum XXX* not only as the correct reading for the text of the Probian *Life* but as true in fact. Thus Diehl prints XXX in his text but calls the statement nonsense.³ Keil, Reifferscheid, Hagen, and Brummer have XXX, but have not expressed themselves — I speak subject to correction — on the issue which Professor Conway and I are debating. Neither did Otto Jahn, so far as I am aware. Of the 'three other eminent scholars who, like him [Nettleship], made a lifelong study of ancient commentaries — Jahn, Keil and Ribbeck,'⁴ Ribbeck remains (for the moment). Mommsen and Brauholtz and Huelsen are rightly claimed by Professor Conway, and he has a recent and most important recruit in Sabbadini.⁵

Not to call the roll once more of those on the other side, I will merely consider the case of Ribbeck. That eminent authority on Virgil and his ancient commentators believed, to be sure, that the present *Vita* and Commentary, while containing terrific mistakes, were based on the genuine Probus.⁶ But that does not necessarily imply the belief that

¹ From this point of view, Norden, *Rhein. Mus.*, LXI, p. 176, disapproves Nissen's desire ('in libro nobilissimo de Italiae situ ac populis scripto') to emend XXX to III — 'nimium enim honorem tribuit falsario.'

² See above, pp. 80-83.

³ See above, p. 75, note 3.

⁴ P. 38.

⁵ *Op. cit.*, p. 93. In his earlier works, Sabbadini referred to the commentary as Pseudo-Probus, making no special mention of the *Life*. See *Le Scoperte dei codici latini e greci ne' secoli XIV e XV* (Firenze, 1905), p. 161: 'Il commento di Probo o meglio dell Pseudoprobo alle Egloghe e alle Georgiche di Vergilio.' In his supplementary volume (1914), p. 245 f., he refers to Aistermann's work. Sabbadini appears gradually to have changed his early opinion of the work attributed to Probus, as indeed he has a right to do. Another and more complete statement from him would be welcomed, with consideration of the points that I have discussed above; see the references on p. 66.

⁶ See above, pp. 82 f. I might add that the latest defender of this view, Aistermann, also regards XXX as an error of the excerptor (*op. cit.*, p. 72).

Virgil's farm was thirty miles from Mantua. In his *Geschichte der römischen Dichtung*¹ he begins his account of Virgil with the words: 'Pollios Schützling P. Vergilius Maro ist am 15 Oktober des J. 684/70 im Landbezirk Andes bei Mantua geboren.' If one could stretch this 'bei Mantua' to the ridge at Carpenedolo,² he should turn to the admirable sketch of Virgil's life that Ribbeck prefixes to this school edition of the poet's works.³ There we find that the poet was born '*in pago non nimis procul a Mantua sito*,' and a foot-note expresses the great editor's acceptance of Nettleship's view, with the blame for XXX laid on the excerptor.⁴

That brings us back to Henry Nettleship, and with the words to which Ribbeck refers⁵ I close:

Andes, the birthplace of the poet, is said in our text of Probus to have been thirty Roman miles distant from Mantua; a statement which, though accepted by Mommsen in his account of Mantua in the fifth volume of the *Corpus Inscriptionum*, I cannot but regard as mistaken, if the MS. tradition be correct. For it is hard to see how Vergil could say of himself in his own epitaph *Mantua me genuit*, how Suetonius could call him *Mantuanus* and say that Andes his birthplace was not far from Mantua, if he had really been born some seventeen⁶ English miles away: why indeed, in this case, should he have been a citizen of Mantua at all? Mantua had only a small territory, and any

¹ Ed. i, II (1889), p. 12 = ed. 2, II (1900), p. 12.

² That is also the phrase in the revised Teuffel (§ 224, 7^{te} Aufl., II, p. 23), which clearly takes no stock in 'Probus.'

³ *Iterum recogn.* (Lipsiae, 1895), pp. iv f. He adheres to the view expressed in 1863 that both Life and Commentary are based on Probus, but the defects in the work, if I mistake not, are somewhat more vigorously emphasized than before.

⁴ P. vii, note 2: 'Milia passuum XXX quod abesse fertur a Mantua nimium esse monuit Nettleship [*Ancient Lives*], p. 33. Pagum recte dicunt Hieronymus (l. l.) et Donatus, vicum Probi excerptor.' Another standard edition of Virgil is that of Henri Goelzer (see above, p. 83, note 5. He would have Virgil born (p. v) 'dans le bourg d'Andes (aujourd'hui Pietola).'

⁵ In the Fourth Edition of Conington, p. xviii, Nettleship's words are: 'Publius Vergilius Maro was born . . . at Andes, a *pagus* in the territory of Mantua.' He adds in note 4: 'The memoir attributed to Probus calls Andes a *vicus*, and places it some thirty miles from Mantua. But Andes must have been much nearer to Mantua.' He then refers to the passage in *Ancient Lives*.

⁶ How Nettleship got only seventeen English miles out of thirty Roman ones is a mystery. Unless the printer's devil was guilty, Professor Conway and I can console ourselves with the discovery that even the great make careless slips at times.

one born at such a distance from it would probably have become a citizen either of Cremona, or Brixia, or Verona, or Vicetia, or Patavium. The tradition which identifies Andes with Pietole, a village two or three miles from Mantua, seems to be nearer the truth than the statement, if statement it be, of Probus.

When Nettleship wrote this paragraph he was familiar with all the essential information that Professor Conway has exhibited in his writings. He knew about the inscriptions and Mommsen's discussion of them. He knew that in the *Life* attributed to Probus, Virgil's birthplace was located thirty miles from Mantua. He had not the benefit of Professor Conway's discussions of the scenery in the *Eclogues*, or the account of his travels about Mantua, but his own suggestion,¹ prompted by a remark of Munro's, that Virgil may have composed some of his eclogues at Tarentum is, to my mind, more fruitful than anything that Professor Conway has written about Virgil's pastoral art.

Since Nettleship's day, there have been a number of profitable studies of the problem of Probus — or the problems, since that of the work on Virgil is only one.² Professor Conway and I have had a scholar's excuse for rambling among the pleasant scenes that the boy Virgil saw. But after all the pros and cons, I doubt if any measurable advance has been made over the brief solution of our long debate that was given by Henry Nettleship in 1879. I venture to hope that his views will not be altogether expunged from the sixth edition of Conington's *Virgil*.

¹ *Ancient Lives*, p. 49.

² Cf. Teuffel, *op. cit.*, § 301, 7^{te} Aufl., pp. 247-257.

QVEMADMODVM POLLIO REPREHENDIT IN LIVIO PATAVINITATEM?

BY JOSHUA WHATMOUGH

THE familiar words of Quintilian (*Inst. Or.* 1.5.56) which have been made to serve as a title for this article are not a question in Quintilian's text. But to every thoughtful and enquiring reader, not only of Quintilian, but also of Livy, at least since ancient times, the words have become a question. To this question, so far as I know, no satisfactory answer has been given. The accusation of 'Patavinity' brought against the Transpadane Livy by Asinius Pollio the Roman-born is faithfully recorded, usually without its context, by the historians of Latin literature. If an attempt is made to answer the question which the accusation raises, answers are propounded of which some are merely guesses, not based on any collection of evidence, others are merely errors resting upon evidence which is not pertinent.

For it is commonly supposed that we do not and can not know what Asinius Pollio meant, if indeed he was moved by anything more than spite. Those who make this supposition naturally make no attempt to find out what he meant. So acute and excellent a critic as Wight Duff declares that "'Patavinity," such as Pollio detected in Livy, . . . in any case was no longer obvious in Quintilian's day.' The same critic, let it in fairness be said, almost starts — in a footnote — to follow the only clue to the discovery of the true answer.¹ He also rightly warns us that the 'traces' which we find in Livy 'of changes in syntax, idiom, and vocabulary which had set in since Cicero wrote' are no mere 'Patavinity'; he does not, however, completely shun the temptation to search for 'Patavinity' in the text of Livy as we now have it, but points to constructions such as *quaerere si* (for *quaerere num*), to archaisms such as *supplicia* in the sense of *supplicationes*, to old words with fresh meanings, e.g. *titulus* 'pretext,' to new words 'which we do not find in Latin before Livy,' and to new formations

¹ See his *Literary History of Rome* (London, 1920), pp. 660 sq., with p. 638 n. 1.

such as abstract nouns in *-us*. Nor does Wight Duff rid himself of the false assumption that it is 'in Livy's style' that there are (or were) 'discoverable words, notes, and idioms foreign to the best urban usage,' contending, as I think quite rightly, that Pollio's charge 'had probably some firmer basis than either acrid criticism or mere dislike of Livy's divergence from the austerer prose manner of the past.'

But I venture to think that no one is completely satisfied by such attempts to explain or to rebut the charge which Quintilian did not idly repeat. I also hope that the author of what I regard as the most useful history of Latin literature written in English for students will see that his book has been cited because it is a text-book that is in very common use (and deservedly so), and also because it sets forth, in an unprejudiced way, typical current and representative views supplemented by the author's own independent and sane judgement with all the available evidence before him. My object is to call attention to material evidence which has not yet, I think, been adduced as relevant to Pollio's charge against Livy. It has not been seen to be relevant chiefly, it would seem, because the charge is not weighed, as it ought to be, in the context in which Quintilian repeated it. We do not know in what context Pollio originally made it. But even when the importance of taking the context in Quintilian into account has been clearly realized, the clue, which then becomes obvious, either could not, or has not, been followed. Thus W. Ramsay wrote in Smith's *Dictionary of Greek and Roman Biography and Mythology*,¹ from which I quote, again as typical of current opinion, this time of a generation or two ago, that 'anyone who will read the words of Quintilian with any attention cannot fail to perceive that they are susceptible of one interpretation only . . . Pollio must have meant to censure some provincial peculiarities of expression which we at all events are in no position to detect.' Ramsay is not explicit; but he seems to have meant written expression.

At the same time this paper may perhaps also serve the purpose of showing both to what intelligent uses collections of material at first sight purely and forbiddingly linguistic may be put, and also how great the gain can be to Classical scholarship in the interpretation of literary problems when the aid of linguistic study is invoked. Quintilian is by

¹ Vol. II (London, 1846), p. 795.

no means in Homer's case, where, as Pedersen¹ recently pointed out (for this truism is constantly forgotten), a training in the methods of Comparative Philology is indispensable for all sound study of the Homeric problem, but in Quintilian there is much, as in all Greek and Latin writers there is something, that is meaningless to those who are ignorant of the history of the two Classical languages. In a previous paper² on a different topic, I threw out in passing the suggestion that Livy's 'Patavinity' was of the same order as the barbarisms of Tinca Placentinus (Quint., *Inst. Or.* 1.5.12), 'si reprehendenti Hortensio credimus.' The suggestion was prompted, if not confirmed, by the noteworthy facts that Quintilian has recorded for us Hortensius' censure of Tinca and Pollio's censure of Livy in the self-same chapter of the *Inst. Or.* (1.5), using the same term of both critics (*reprehendere*), and discussing the same topic in both cases, the philological side of grammar, and that both Tinca and Livy were *Cisalpini*, the one born at Placentia, the other at Patauium. There is, to be sure, an important distinction to be made between the two culprits. Livy has written a great work, a large fragment of which has been preserved. Livy's autograph, however, has not survived; and it is, in fact, a hopeless task to seek to determine his own spelling or pronunciation from the manuscripts of his history that we have. Nevertheless, it had been obvious to me, especially as I read chapter five in the first book of the *Inst. Or.*, that to know what 'Patavinity' was, we must try to learn from whatever evidence is available just what were the peculiarities of the Patavian or of the Venetic pronunciation of Latin, even of educated speakers, in (say) the last century of the Republic and the first century of our era.

The collected evidence will shortly be published in the *Prae-Italic Dialects of Italy*.³ But first let us return to Quintilian's text, from

¹ *History of Linguistic Science in the Nineteenth Century* (Cambridge, Mass., 1931), p. 89.

² *H.S.C.P.*, XLII (1931), p. 152.

³ Oxford, and Cambridge (Mass.), 1933. In vol. I the Venetic inscriptions (R. S. Conway) and the proper names of North Italy (S. E. Johnson), in vol. II (by the present writer), among other things, the inscriptions and glosses of other non-Latin dialects are collected. The evidence that follows is cited from this work, either by items (e.g. V. *ruma' n' na* 21; *Craexia* VII C), or by volume and page (e.g. R. *šupiku* ii. 581). The following abbreviations are also used: H. means

which I had begun by gathering items of interest for students of the 'Prae-Italic' dialects. The criticism attributed to Pollio is repeated twice by Quintilian. Some have thought that Pollio may have made it in a half-sneering way, with the contempt of the Roman for the provincial, just as your London critic might condemn a north-country writer as smacking somewhat of the provinces, a charge not always to be taken too seriously. But Quintilian manifestly took Pollio's charge seriously enough:

Taceo de Tuscis [*sc. uerbis*]¹ et Sabinis et Praenestinis quoque; nam ut eorum sermone utentem Vettium Lucilius insectatur, quemadmodum Pollio reprehendit in Liuiio Patauinitatem: licet omnia Italica pro Romanis habeam (1. 5. 56),

and again,

Et in Tito Liuiio, mirae facundiae uiro, putat inesse Pollio Asinius quandam Patauinitatem. quare, si fieri potest, et uerba omnia et uox huius alumnus urbis oleant, ut oratio romana plane uideatur, non ciuitate donata (8. 1. 3).

The identity of the Vettius attacked by Lucilius is uncertain, and the precise reason for the attack unknown; but commentators on Quintilian call attention not only to provincial usages in Plautus (*Trin.* 609, *Truc.* 691, *tam modo* for *modo*, and *conea* for *ciconia*, both Praenestine),² but also to the objection raised by Lucilius (963 Marx, Festus p. 375 ed. Lindsay, *Gloss. Lat.* IV, 1930, s.v. *Redarguisse*; cf. pp. 184, 322, with *C.Q.* VII, 1913, p. 117) to the use of *rederguo* for *redarguo* and of *pertisum* instead of *pertaesum* by Scipio Africanus the younger (cf. Cic., *Orator* 159), presumably in speech as well as in writing. But any form such as *pertisum* or *concaesum*, except when specified as in the places in Lucilius and Cicero just noted, if used by any writer whose work has survived, has inevitably been removed from his text by medieval scribes or modern editors, while if he used the standard orthog-

Histria, V. Venetic, R. Raetic, Li. Ligurian, Lep. Lepontic, Tr. Gallia Transpadana, A. the Regio Aemilia, T.V. the *Tabula Velleiatium* (*C.I.L.* 11. 1147), G. Gallic glosses, and N. I. North Italic glosses.

¹ Observe the emphasis on *uerba*.

² Ennius seems to have Latinized the dialectal **tangere* (cf. Osc. *tanginom*), see *H.S.C.P.*, XLII (1931), p. 144.

raphy but not the standard urban pronunciation, then such non-standard forms may never even have appeared in his writing. That Livy may have differed from contemporary Romans in the use, for example, of diphthongs in his spoken, and perhaps in his written, language we shall presently see. No doubt the peculiarities of which Vettius was adjudged guilty by Lucilius were of much the same kind.

But observe that in neither of the passages quoted above from Quintilian, nor in their context, is there any mention of Livy's history, nor any discussion of Livy's style. We may, but we need not, suppose that any reference to Livy's written rather than to his spoken language is even implied. It is in the tenth book chiefly (10.1.101 sq., 10.1.32), and very occasionally elsewhere in passing, that Quintilian estimates Livy's literary qualities; at 1.5.56 and 8.1.3 other matters occupy his attention. If Quintilian, the professor of rhetoric, in the first century of our era, with all of Livy's 142 books before him, has not specified for us examples of Livy's 'Patavinity,' it can only be because there were (and are) none to be found in the history. Had they been there, Quintilian could and would have discovered and mentioned some of them. The assumption that Pollio had found them there is not in fact justified. For all that Quintilian tells us to the contrary, Pollio may have objected only to Livy's utterance, not at all to his writing. It is a likely guess, for example, that Livy may have pronounced the very name of *Pollio* in such a way as to vex that critic of severe judgment; and we all know that it can be vexatious to a man to have his name mis-pronounced. But there is one other scrap of evidence in Quintilian himself, again in the first book, which is more specific, which does indicate a departure on Livy's part from the usage of standard Classical Latin, and which is valuable because it does, by reason of the very peculiarity which it specifies, advance our enquiry a long step, even though it does not necessarily indicate 'Patavinity' as such:

sibe et quase scriptum in multorum libris est, sed an hoc uoluerint auctores nescio: T. Liuium ita his usum ex Pediano comperi, qui et ipse eum sequebatur (1.7.24).

Here are two important points to observe. First, if Livy did actually write, as Quintilian might be understood to imply, *sibe* and *quase*, then this peculiarity has been completely eradicated from our texts

of Livy, and if a modern editor should find evidence for such spellings in his manuscripts, he would almost certainly reject it, or if he accepted it as Livian, he would certainly be condemned by most critics for so doing. How vain then it is to scan merely the pages of Livy, even with *apparatus criticus* thrown in for good measure, in the hope of discovering there traces of 'Patavinity'! Yet there are inscriptions which give the spelling *sibe*, and there is some evidence to justify such a 'provincialism' in one or two places in Plautus, not to mention Vergil and Propertius;¹ similarly Umbrian has *tefe* 'tibi' and *mehe* 'mihi.' And second, still more interesting, Quintilian tells us that he learnt this fact of Livy's usage from Asconius Pedianus, who followed the same usage. Colson (ad loc.) remarks: 'As Asconius lived till c. 88 A.D., Quintilian probably means that he learnt this through personal intercourse, and that the statement applies to Livy's regular practice in composition.' But Asconius Pedianus, who like Livy said *sibe* not *sibi*, was, like Livy, also a native of Patauium. It is possible, though few will think it probable, that Asconius deliberately imitated his fellow townsman in his preference of *sibe*. And if such a spelling should be found in carefully written inscriptions of Patauium or the surrounding district of the first century of the empire, we could not hesitate, in view of the evidence of Quintilian, to accept it as Livian. As a matter of fact the spelling *sibe* occurs at Padua (*C.I.L.*, 5.2960) and elsewhere in north Italy (ib., 300, 379, 398, 2019, 3162, 3499, 8485), cf. *nise* (ib., 154, 4113) and *-e* instead of *-i* in the dat. sg. ending, e.g. *coniuge* (ib., 4438, cf. 4120, 4220, 4042, 4612). Evidence of the same kind from the same sources, although not supported by the written testimony of the grammarians, should likewise be accepted as indicating peculiarities of provincial usage which may well have coloured the speech of Livy, who seems to have been about thirty years old before he settled in Rome; such epigraphic evidence is adequate, even if otherwise unsupported.

The subject of chapters six and seven in book one of the *Inst. Or.* is largely the laws of correct spelling, at least to Quintilian and, it would seem, to many of his modern readers. But most of the variations which he discusses do actually imply different pronunciations, whether of different dates (e.g. *caussa* and *causa*, *aquai* and *aquae*,

¹ See Sommer, *Handbuch d. lat. Laut- u. Formelehre* (ed. 2, 1914), pp. 149 sq.

uorsus and *uersus*, *seruom* and *seruum*), or of different localities (e.g. *medidies*, see Varro, *L.L.* 6.4), or of learned and popular usage (e.g. *calidus* and *caldus*), some of which further involve exactly what we call dialect. Unfortunately Quintilian does not clearly recognise that distinction in 1.6-7, nor in 8.1, where his subject is 'elocutio.' There he refers back to the first book, and reiterates his caution against foreign or non-Latin locutions. In 8.1.3 (quoted above) there is again no mention of Livy's writing; but simply a ban on a non-Roman, that is, on a rustic or provincial pronunciation of Latin words. Similarly in 1.5, where Quintilian is seeking to establish canons of correct usage in language, there is no explicit, nor, I think, implicit reference to Livy's history. What Quintilian does there is to point out certain faults of 'barbarism' and solecism. Some of the examples which he cites, and which he seeks to excuse by poetic licence (see 1.5.12), e.g. gemination, as in the *Meteio Fufettio*¹ of Ennius, are in fact definite linguistic or dialect features. There can be little doubt that such gemination in Ennius is to be traced to his familiarity with Oscan, and perhaps with Messapic, in both of which dialects gemination is a noteworthy feature faithfully recorded in their writing. So too (1.5.13) metathesis as in *Tarsumennus*, *Trasumennus* (cf. Cic. *Brut.* 57) is a linguistic feature of common occurrence, so frequent in all languages as to be characteristic of none.² But as a rule one particular form is definitely established as standard. Nevertheless, as we shall see, there are some noteworthy instances of metathesis recorded in the Latin of Livy's native country, numerous enough to suggest that they are not mere blunders of writing, but rather doublets that were accepted locally; a few of them may actually have made their way into Livy's diction. On the other hand, the substitution of breathed for voiced plosives (1.5.13, cf. 1.5.12), may be part of a consonant-shift that has gone deep enough to distinguish large groups of dialects, and even where less marked, a confusion between breathed

¹ Colson's reading; *alii alia*. But all the variants of editors and manuscripts imply gemination.

² Yet observe that 'in Tagalog some morphologic alternations seem to be due to changes of this kind,' i.e. to metathesis (Bloomfield, *Language*, 1933, p. 391). Some authorities (notably Jespersen) have seen in metathesis the influence of children upon language.

and voiced consonants may be characteristic (e.g., as it is of Campanian Oscan). It would appear from Quintilian that Tinca of Placentia made both of these changes in his normal pronunciation of the word *pergula*, which thus became *precula*.¹ Tinca is mentioned also by Cicero (*Brut.* 172) 'as a celebrated wit, whose provincial pronunciation, however, put him at a disadvantage with the "sapor uernaculus" of Granius' — I quote from Colson, who aptly continues, 'Hortensius' hit was clearly aimed at this.' But if Hortensius', why not Pollio's? There is no more insistence upon literary form or style in *Inst. Or.* 1.5.56 than in 1.5.12. Throughout that chapter, if Quintilian occasionally suggests that the faults which he pillories are solely or chiefly faults of writing (as in verse), rather than of speaking, then he is in error; at times he seems dangerously near to joining the unhallowed company of dogmatic grammarians. And when his readers or editors have supposed him to allude to literature to the exclusion of speech, they have in some measure misunderstood, not so much Quintilian's argument, as the real nature of the question which he is discussing. Quintilian in fact did not understand it aright himself. Like all the ancients, he is completely ignorant of any notion of comparative or historical grammar. Even if that were not so, it would still remain true to say that the context in which Quintilian reports Pollio's criticism of Livy does not encourage a search for 'Patavinity' in Livy's history. Such linguistic phenomena as metathesis, syncope, assimilation (except so far as they are already established in certain forms in the standard Latin language of Quintilian's day), or such as newly imported foreign words (with a very few exceptions), 'vices' of pronunciation (false quantities, contractions of vowels, misplaced aspiration, and others), or of accent, and solecisms of gender or number or the like — these are the topics considered in *Inst. Or.* 1.5 — nearly all of these simply are not to be found in Livy any more than in any other work known only in writing, and the rest neither in greater number nor more obviously local in character (i.e., in Livy, Patavian) than in any other writer of Latin known to us.

In my earlier article I sought to point out certain characteristic peculiarities of the non-Latin dialects of northern Italy. Fuller accounts of the grammars of those dialects, which it would be a simple

¹ 1.5.12; cf. *H.S.C.P.*, XLII (1931), p. 152.

but an unnecessary and largely irrelevant task to repeat here, are to appear in the *Prae-Italic Dialects of Italy*.¹ Here we are not concerned primarily with the peculiarities of Venetic, Raetic, Gallic, and Lepontic as such. Livy we can hardly believe ever to have spoken Venetic, or anything but Latin (and presumably some Greek). But his spoken Latin must have been coloured, at least before he went to Rome to live, and probably long afterwards, if not for the whole of his life, by what we may call a Venetic 'accent'; it was the spoken Latin of eastern Transpadane Gaul, not of Rome. And whenever Transpadane Latin shows peculiarities comparable to what we know of the features of Gallic, of Venetic, or of other north Italic dialects, then the dialect evidence itself becomes important. We are compelled to ask two questions: (1) what peculiarities does the Latin of north Italy show; and (2) how far were those peculiarities an inheritance of dialect habits of speech; that is, how far was the local Latin usage affected by that of a fading or vanished local dialect? As might be expected Gallic names are numerous in the Latin inscriptions of Cisalpine Gaul, and Gallic influence well marked; but there are other features to be observed. It is proposed in this paper to present in some detail the evidence available to indicate the several features of Cisalpine Latin, as revealed in the proper names of the Latin inscriptions of north Italy and in some other sources, and to attempt at the same time to show which of these features may be explained as due to the influence of older local non-Latin dialects. Little account will be taken of features indicative of vulgar Latin usage as such. These have already been collected elsewhere by others and are readily accessible. I have not limited my collection of evidence to the Venetic district, however; for the Latin

¹ Vol. I, pp. 185 sqq., vol. II, pp. 580 sqq. Cf. (on Venetic) Pauli, *Altitalische Forschungen*, III (Leipzig, 1891), pp. 400 sqq.; Whatmough, *H.S.C.P.*, l.c.; Kretschmer, *Glotta*, XXI (1932), p. 120; Bertoldi has discussed two non-Latin Cisalpine words in use at Padua in *Don. Nat. Schrijven* (Nijmegen, 1929), pp. 295 sqq., and it should be observed that Keltic has left some traces of itself everywhere in the Latin of Cisalpine Gaul (cf. *Prae-I.D.* ii. 170). As to Raetic see Kretschmer in *Danielsson Symbolae* (Uppsala, 1932), pp. 134 sqq., Whatmough in *Glotta*, XXIII (1934). Some references to older discussions of Cisalpine Latin names will be found in *Prae-I.D.* ii. 174. Something may be gleaned from the grammatical index (pp. 1205 sqq.) to *C.I.L.* 5, e.g. gemination, *-h* mis-used, *-s* for *-ns*, *-s* : *-x*, anaptyxis and the like. Note that the inscriptions of Padua are numbered 2781-3100.

of Cisalpine Gaul presents itself for study as a unit, and there must have been at work certain levelling influences such as commercial and political intercourse which tended to establish a standard Latin usage and pronunciation for all the great cities of the Po valley. To the average Roman ear Venetian and Paduan, Veronese and Brescian, Mantuan and Milanese, probably sounded as much alike as Yorkshireman and Lancastrian to the average Londoner, or as any speaker from conterminous mid-western states to the average Bostonian.

A. Vowels and Diphthongs

(1) *u*-diphthongs. There is some evidence to show that, even when allowance is made for the conservatism of spelling in nomenclature, the pronunciation of the *eu* and *ou*-diphthongs survived in north Italy to a comparatively late date, later than the *i*-diphthongs at least, and that they probably were still heard at a time when in Rome they had both become *ū*, e.g. with *eu* we have

gens Leuconia (V.) VII C
saltus Leucomelius and Leucumellus (T.V.) XVII (iii)
Mars Leucimalacus (Li.) XIV
Leucitica, epithet of Seixomnia (H.) II

the last like Gaulish *Leucetius* (Holder, *Altcelt. Sprachschatz*, ii. 193) as contrasted with the Latin *Lucetius*, Oscan *Loucetio*- (see *I.D.* i. 205 A). But we also find *ou*, e.g. in the divine name (note also the gemination)

Louccianus (R., V.) XXVII and VI, cf. the following
Counertus (V.) VIII C, for an older *Com-nertus*¹
Troucillus (Tr.) XII B
gens Eniboudia (Li.) XV B
fundus Clouster (T.V.) XVII (iii)
fundus Roudelius ib., cf. ii. 156, 164, 590
Veriounus (Tr.) Note xx, ii. 174
deae Alounae (R., or Norican?) XXVII

From Venetic inscriptions we have, among others, the following

¹ See Dottin, *La langue gauloise* (1920), p. 114 n. 1.

forms which show *-ou-*: *lo·u·kioka* 140, *ollo·u·kiθ* 143, *θo·u·peio* 148, *lo·u·zerah* 162, the inscriptions nos. 143, 148 belonging to Padua itself, and Ven. *who·u·χo·n·tiiaka* (29, Este) beside Lat. *Fugenia* (V., VII C, but also Ven. *vh·uχ·ia*, 20).

(2) The *i*-diphthongs, on the other hand, except *ae* (for *ai*) in accented syllables, seem to appear regularly as monophthongs in the Latin inscriptions of north Italy, and even *ae* has often given way to *e*, e.g. in

gens Laecania, Lecania (H.) III A

and many others, with a regular rustic or vulgar Latin change,¹ just as for the *u*-diphthongs we have the vulgar *a* (e.g. *Agustus* V., VIII C) and *o* (e.g. *Plotus* Tr., XII C). The spelling *ai*, as in *Tampiai* (Padua, C.I.L. 5.2799), whether dat. sg. or nom. pl., and in *Fortunai* (Veicetia, ib. 3103) is archaic. In fact, while it is true that the dialect inscriptions proper do usually show the *i*-diphthongs preserved, there are some spellings with *e* (for *i*), and at least one with a monophthongal spelling to show that there was a tendency to change, whether under Latin influence or not: Ven. *vhae·s·θinioh* (149, Padua), *lehvo·s·* and *·a·tra·e·s·t* (152, Veicetia), *kra·e·hk·* (162, Pieve di Cadore), Raetic *esiaeal* (252), Lepontic *aesia* (300 bis), *maešilalui* (321), cf. ii. 582 sqq.

(3) There can be little doubt that Cisalpine Gaul shared the Transalpine Gallic change of *ō* to *u*. But *u* appears also not infrequently for *ō*. In the following examples it is not always possible to distinguish between *ō* and *ō*. Though many of the inscriptions in which the spelling with *u* appears are late in date, the sound changes are not to be regarded as proper to vulgar Latin in general, for in most regions both *ō* and *ō* remained unchanged in vulgar Latin. In addition to instances from Lombardy noted by Pesenti² I have

¹ For examples in Latin inscriptions of Lombardy see Pesenti, *Riv. I.-G.-I.*, VII (1923), p. 261 (*Quinte, que*, and the like).

² *Riv. I.-G.-I.*, V (1921), p. 190, e.g. *uus, custude, uxure, labure, octubris; qurpus, Maburtio*. I have taken no account of *ū* for *ō* in initial syllables (e.g. *ustiaris, ductrina*), for there we have the vulgar Latin close *o* or *u* for older *ō* and *ū*.

observed the following in the records collected in the *Prae-Italic Dialects*:

gens Rumenia (V.) VII C
 Victurinus (V.) VIII A
 Curuinus (V.) VIII C
 Diugenia ib.
 Magunus and Magonus ib.
 Vicani Bromanenses (Tr.) IX C, but modern *Brumano*
 Matronae Vcellasicae (Tr.) X, cf. Ocelum (Tr.) XI C?
 gens Plotia and Plutia (from *-au-*), (Tr.) XI C
 gens Verounia (cf. *Verona*), ib.
 Cobruna and Cobronia (Tr.) XII C
 Namuni, dat. sg. masc., with *ū* from *ō*, ib.
 gens Pulfennia and Polfennia (Li.) XV C
 Rutundus (Li.) XVI C
 fundus Eburelianus and Eborelianus (T.V.) XVII (iii)
 fundus Vippunianus and Vipponianus ib.,

and similarly in the dialect inscriptions we have in Venetic

ruma·n·na (21) and *roman* (22)
vhux·s·ia (18) and *vhox·sii* (28),

and in Lepontic

ašouni (392) like *Verounia* above (?),
remu, *namu*, and others (258, 303, 259 sq.), like the Gaulish *frontu*
 for *Fronto* (Dottin 51)

and a frequent Raetic ending *-u* (e.g. *laturu* 197, *vitamu* 196). Final *-ū* for *-ō* is frequent also in Illyrian names, as Kretschmer has seen.¹ Some other less certain examples from Venetic may be found in Pauli's *Altitalische Forschungen*, III, pp. 401 sq. We have also the testimony of Quintilian (1. 6. 23) that the grammarian Antonius Gniphō, a native of Gaul, advocated the forms *ebura*, *robura*, *marmura*, pronunciations in which more than his faith in analogy may have played a part.

The two following instances are somewhat doubtful, but they are interesting in themselves. Beside the Raetic name *Vērōna* (the quantities are attested by Catullus 67. 34), where the modern form of the name might well be claimed as evidence for the preservation of the quality of both vowels, we have a Norican name *Virunum* which it

¹ *Einleitung*, p. 251 n. 1.

seems to me must be related, but which shows both *i* for *e* and *u* for *o* of the Raetic form. The site of Virunum is thought to have been near that of the modern Maria-Saal, where a Venetic inscription has recently been found. *Virunum*, therefore, probably represents a more severely Illyrian pronunciation. An inscription of Aquileia records a dedication to *Fortuna V. runiensis* (*C.I.L.*, 5. 778), where the epithet has been read with *e* or *i* as the second letter. If the latter is correct, then the goddess is better connected with Virunum than with Verona, as the provenance of the inscription suggests. It is on all counts less likely that Verona was meant.

In the name *Mutina* (A., XXI A) it would appear that *o* has become *u*, for Polybius has *Μοτίνη*, where Appian and Ptolemy have *Μουτίνη*. But a long series of comparisons between Sicel and north Italic local names, which I hope to publish later, and which seem to me to be historically significant, suggests to me that the two Sicel names *Μοτίνη*, *Μοτύλαι* (581 A, 581 C), and perhaps also the Cisalpine *Modicia*, *Modiciates* (IX B, cf. ii. 485), should be compared with *Μουτίνη*, *Mutina*. If so the latter shows a change of *o* to *u*, and perhaps also a substitution of *t* for *d*.

(4) Attention was called in *H.S.C.P.*, XLII (1931), pp. 143 sqq., 155, to certain evidence indicating a change from *o* to *u* in some north Italic district, perhaps properly only in Raetic. That evidence may now be supplemented as follows:

Tannia: Tonniana (V.) VIII C?

Ambra, *Amber (R.) XXV B, Ambrones (Li.) ii. 161: "Ομβροι, 'Ομβρικὸς¹

Αύαγνία (R.) XXV C, 'Αουεννίων (Li.) i. 354: Ou(u)enis (R.) XXVI (2)?

uasaiuco (V.?) Note xxi (1), with Lep. *uasekia*, and other forms cited in *H.S.C.P.*, l.c., p. 144

Velauni (R.) XIII B: Βελούνων, Ptol. 3. 1. 28?

Patauium, Padusa, Padua, Παδῶα (V.) ii. 158 sq., cf. Padinates (A.) i. 415: Bodincus ii. 158 (Li.), *Bo(n)deno* (A.) i. 415. If the comparison of *Pat-auium* with *Bod-incus* is correct, then it is important to note that the change of *o* to *u* appears in the very name of Livy's birth-place.

¹ Cf. Kretschmer, *Glotta*, XXI (1932), pp. 115 sq.

carpentum (? Cisalpine Gallic) ii. 187: *corbis*, see Walde-Hofmann, *Lat. Etym. Wtb.*, ed. 3, p. 171; here, as in *Patauium*, the change from *ō* to *ǣ* appears together with the change from voiced to breathed plosives.

Dan(n)us (H., V., Tr.) IV C, VIII C, XII C: Donnus (Tr., A.) XII B, XXIV C

It is admitted that the above examples, even taken all together, do not make compelling evidence, because in dealing with proper names we cannot always be certain of the true relationship of the forms to one another. In some of the forms cited above, if it be assumed that they are related, it is still always possible that the relationship *o* : *a* is different from the one suggested. The vowels may be original, or *o* may in some instances have arisen from *a* (for example, by rounding before a nasal). But when the evidence presented in my earlier paper is also taken into consideration, then it does seem likely that in Raetic at least, and perhaps in some neighbouring districts, *ō* became *ǣ*.

(5) Much the same criticism applies also to the following forms, adduced here to illustrate an alternation between *ě* and *ĩ*.¹ Here we have to reject at once a large number of variant writings which appear in medial syllables, e.g. *gens Numisia* and *Numeria* (V.) VII A, B, cf. (T.V.) XVII (iii), (in this name *i* is of course older than *e*), *Tuppilianus* and *Tuppelianus* (T.V.) XVII (iii), or in which we have the vulgar Latin change, beginning about 250 A.D., of accented *ĩ* to *e*, e.g. *Prencepia* and *Principia* (Tr.) XII C. Nor are variations such as *uatis* for *uates*, *quinquiis* for *quinquies* (*C.I.L.*, 5. 6464, 5427) significant for our present purpose, although, as we have already seen (p. 99, *supr.*), the confusion by which final *e* and *i* came to be used (in writing) almost indiscriminately appeared in the forms *sibe* and *quase* preferred by Livy himself, and perhaps in his own pronunciation of words ending in *-i*. Again the substitution of *i* for *e*, whether long or short, in initial syllables, e.g. *diposita* (*C.I.L.*, 5. 8991), *Ixuperia* (Tr., XII B), *Virginus* (*C.I.L.*, 5. 6261), is so frequent in the Latin inscriptions of Gaul that it has been regarded with reason as indicating a Gallic pronunciation of Latin words, no less than the substitution of

¹ Cf. *H.S.C.P.*, l.c., p. 147.

i for *ē* in the Latin of Gaul, exactly as *ē* became *i* in Keltic proper (e.g. *-rīx* for *-rēx*). Nevertheless it is not unlikely that the utterance even of educated Cisalpines was not free from some of these peculiarities in early imperial times, although spellings such as *Criscens*, *adoliscens* (*C.I.L.*, 5.6209, 6297), *Asclipiodotus* (Tr., XII C), are probably due to the identity in quality of vulgar Latin *ē* and *ɣ* of the Classical language, i.e. close *i* in late pronunciation. And in passing it may be recalled that Pauli¹ was of the opinion that there was some evidence for holding that in Venetic territory a native change from *ē* to *i* is traceable, parallel to the change from *ō* to *ū*. But his examples are fewer and less convincing for the former than for the latter change.

The reader will bear in mind therefore that the following items, which have been taken from Latin inscriptions from north Italy, and which are here arranged in alphabetical order, can be compared with the appended items from dialect inscriptions only with great caution. Not only is it difficult in most cases to distinguish quantities; it is also not easy to say how far we have to deal with comparable phenomena. What seems to me important is that in both Latin and dialect inscriptions from Livy's country we are confronted with fluctuations in the quality of *e* and *i*² of other kinds in addition to that attributed by Quintilian to Livy and Asconius (see p. 99, *supr.*).

Anemo (V.) VIII C, Anemo and Animo (A.) XXI B
Atcingus (Tr.) XII C, with *i* from *e* as in O.Ir. *cing*
Atidianus and Atedianus (T.V.) XVII (iii)
Belenus and Belinus (V.) VI
Dolichēnus and Dolichīnus ib.
Bineta, if for *Veneta* (Tr.) XII C
Berra, Birro, Birrio ib.
gens Bisia (V.) VII C, but *Besius* at Rome (*C.I.L.*, 6. 13568)
Bettonianus, Betutianus, and Bitunia (T.V.) XVII (iii)
Brecantia and Brigantia (R.) XXV A
Brixellum, Brixillum, Brexillum (A.) XXI A
Competalis (V.) VIII C

¹ *Op. cit.*, p. 402.

² On Gallic *e*, *i* cf. Consentius 394. 12 K. (*Gram. Lat.* 5), with *Inst. Or.* 1.4.8. The inscriptions of *C.I.L.* 5. show many examples, not quoted above, of *-e-* before a vowel, which suggest that the pronunciation was somewhat the same as in Umbrian, as contrasted with Oscan (see Buck, *Gram.*, p. 32).

- Dometia and Domitia (V.) VIII B
 Iporiensis: Eporedia (Holder, i. 1451. 46)
 Epolitus and Ippolitus (Tr.) XII B
 Lebriemelus (Li.) XIII B: Librelus (T.V.) XVII (iii)
 Λεβέκιοι Polyb., and Libici Plin. (Tr.) IX B
 Maximus, Maxumus, Maxemus (Tr.) XII A
 Mercussena and Mercusina (V.) VIII C
 Metellianus and Mitilianus (T.V.) XVII (iii)
 Nengone and Ningum (H.) I C (before *n* followed by a guttural)
 Pistil? (T.V.) XVII (iii), in which the Ligurian formant usually
 written *-el-* was recognised by Müllenhof
 Philumene and Philumina (V.) VIII B
 Riditio Ciuitas (Tr.) IX C
 Senecio and Senicio (V.) VIII C
 Seuonianus and Siuonianus (T.V.) XVII (iii)
 Stercorius and Stircorius (V.) VIII B (before *-r-*)
 Theodora and Thiodora, Theophilus and Thiophiles ib.
 Terausus and Timausus (V.) V A, cf. i. 245
 Terentianus and Tirentianus (T.V.) XVII (iii), before *-r-*
 Truttedia and Truttidua (V.) VII B
 Tzinius, if for older *-en-*, (A.) XXIV C: Dzoni (Tr.) XII C?
 Veg-ula (Tr.) XII C: Vig-uria (H.) III B, Vig-nidia (Tr.) XI C
 Vegelantius (V.) VIII C, if for *Vigilantius*
 Vermania and Vimania (R.) XXV B
 Veruecia and Veruicia (Tr.) XI C
 Vendupalis and Vindupalis (Li.) XIII B (before *-nd-*)
 gens Visaea, Visea, Visia (V.) VII C, Ven. *viseshio* (123a), cf. Vesu-
 lus, Vesidia (Li.) ii. 163
 Vettianus and Vitianum (R.) XXV A
 Vettillianus (V.) VIII C: Vitellia, Vitullia (Tr.) XI C, Vitelu-
 (A.) XXII C

The dialect inscriptions show the following forms (cf. *H.S.C.P.*, l.c., pp. 147, 155):

- anarevišeos* (G.) 337. 8: Ven. *vesoš*, E. Ital. *vešis*, N. Ital. *vesie*, cf.
 Li. *Vesulus* (above)
anatikou (Lep.) 326: *atekua*, *tekialui*, *tekionui* (Lep.)
afir --- (R.) 232, cf. *Aberius*, *Abirius* (Schulze, *Eigennamen*, pp.
 110, 343) with *i* from *e* before *r*?
cercius, *circius* (G.) 340 B, cf. i. 353
xiukui - (R.) 206a: *xevisianati* (R.), *ceua* (Ven.)?
itti (R.) 217 sqq.: Messap. *ettis*, *ettheta*
pira-ui *xeš* (Lep.) 261: Lat. *ueho*?

ploxenum and *ploxinum* (R.) ii. 204

sinu (R.) 238: *Seno-* (Holder, ii. 1482)?

tukinua (R.) 209: *Ducenius* (V., Li.) VII B, XV C

va-l-tikinu (R.) 237: Ven. *voltixenei*

It was suggested in my previous paper (p. 147) that vowel affection may have operated in Raetic *ist·i·*. But in the modern local name *Eppan* XXV D (the name of a place from which one Raetic inscription actually comes) umlaut is very late (*de Epiano*, twelfth century, *de Apiano* 845 A.D., *castrum Appianum* 590 A.D.), and the Italian form of the name is still *Appiano*. In the *Tabula Velleiatium* (102 A.D.), therefore, the name

fundus Eppianus XVII (iii)

is, I think, better connected with the Gallic names in *Epp-* (Holder, i. 1455) than with *Appianus*.

As might be expected, records so close to the spoken language as those which we are considering show some examples of syncope, and of its opposite, anaptyxis. A few of the cases of syncope are to be separated as clearly due to

(6) haplology, i.e. to the loss of one of two adjacent like syllables (as in Latin *semodius* for **semimodius*). All languages have a number of standard forms in which such a loss has taken place, but we can well imagine that Pollio disapproved of forms such as the following, if such ever escaped Livy's lips:

Constutus (Tr.) XII C, which also has Constitutus

Restuta, Restita, Restutus (V., Tr.) VIII A, XII A, XII B, beside Restituta, Restitutus ib. In this particular name the abbreviated forms are frequent enough to make it certain that they were current, and not mere accidents of writing. But note also Restatus (V.) VIII C?

(7) Syncope.¹

gens Aclia (Tr.) XI C

Apriclus (Tr.) XII C

¹ I omit, as being altogether doubtful, *Manlia* and *Manilia* (Tr.) XI A; and also *Mosgaitus* beside *Mosicaitus* (i. 161), since it is properly Norican.

Ascla and Ascula (V.) VIII C
 Camni (V.) i. 245, cf. Camunni?
 Domnius, Domnula (V.) VIII C, cf. XII C, XXII C
 Domnae, Domni (V.) VI
 gens Gemnia (A.) XXIII C
 Licnus, Licnos, Licno (H., V., Tr.) IV C, VIII C, XII A: Licinus
 (V., Tr., Li., A.) VIII B, XII A, XVI C, XXIV B
 gens Maeclia and Maecilia (V.) VII B
 gens Magplina and Magaplina, Megaplina (H.) III B
 Masclus and Masculus (Tr., A.) XII B, XXIV C
 Nempsis and Nemesis (V.) VIII C
 Piclms (V.) VII C; or syllabic writing?
 Piperclus (A.) XXIV B
 Postmianus (Tr.) XII C
 Procla, Proclus beside Procula, Proculus (H., V., Tr., T.V., A.)
 IV B, VIII A, XII B, XX A, XXIV A
 Trantianus (T.V.) XVII (iii)?
 Turciaca (Tr.) XI C, Ven. *tu·r·kna* (136): Turica (H.) III C

With the above compare, from the dialects:¹

a·k·toniah (V.) 104: Ven. *a·k·ut·s·* (100), *akutnah* (132),
a·kuti·oh (114)
artrare 'plough' (Salassi, Plin. 18.182) for **aritrare*. In Latin
arātrum -ā- appears to be due to the analogy of *arāre* (see
 Walde-Pokorny, i. 78)
apn·h·i·al (R.) ii. 51: Abonius (C.I.L., 5.3120)
pnake (R.) 196a 1: Benacus (V.) V A
felna (R.) 215c: Belenus (V.) VI
e·r·mo·n·, *e·r·monio·s·* (V.) 143, 152: *e·r·iimoh* (31), Lep.
erimia·i· (262)
·o··st··s·, *o·s·tiioh* (V.) 152, 125: Ven. *osite·s·* (161).

It is important, however, to observe that even in Raetic syncope is by no means so noteworthy as it is in Etruscan, where it is very widespread and indeed characteristic.

(8) Anaptyxis.

Brixenetus and Brixentes (R.) XXV C
 Daphinis (Tr.) XII C
 Dirrianus fundus (T.V.) XVII (iii): Drinius (Plin. 3.150)²

¹ Cf. *Prae-I.D.* ii. 582.

² Cf. Loewenthal, *Z. f. O.-N. F.*, VI (1930), p. 81, *Prae-I.D.* ii. 280.

Oculatius and Oclatius (Tr.) XII B
 Opetatus (Tr.) XII C: Optatus?
 Opeteria and Opetria (V.) VII B
 Oriculo and Oriclo (V.) VIII B
 Pulcheria (A.) XXIV C: Pulchria?
 Sarunetes (R.) XXV B: Sarnis ib.
 Trumpilini and Trumplini (R.) XXV A
 Valenitio and Valentio (V.) VIII B
 gens Varisidia (Li.) XV C: Varsa (V.) VIII C
 Vicirianus and Vicrianus (T.V.) XVII (iii)

and, from the dialects:

xevisianati (R.) 199, if for *xeus-*, cf. R. *xiukui* (p. 110, *supr.*)
lavišeseli (R.) 215a, *Lauisno* (V.) VII C: Ven. *lav·s·kos* (158)
pavises (R.) 188: Bauso (*C.I.L.*, 5. 5537), Messap. Pauso (Krahe, *Personennamen*, p. 87)
pevašniče (R.) 192: Illyr. Beusas (Krahe, p. 21)
pirikanišnu (R.) 214: Lep. *prikou* (328)

(9) Synizesis. It is possible that in the form

Napolis (V.) VIII C, for Neapolis

we have a genuine example of synizesis, and perhaps a pronunciation current in Livy's country. But the writing *Ingenus*, beside *Ingenuus* (Tr.) XII B, is more doubtful, and may be a mere blunder.

(10) The following examples of metathesis (cf. p. 101, *supr.*) are put here as being intermediate between vowel-changes and consonant-changes, since the transposition is far more often that of a vowel and a consonant than of two consonants. Pauli (*op. cit.*, p. 401) has already cited the case of

Glagus: Ven. *χalχno·s·*, Galgestes

but there are several additional examples to be noted:

Bergalei (Tr.) XI B, modern *Pregaglia*
**Oσκελα* (Lep.) ii. 66, n. 1, cf. i. 312, modern *Ossola* (through **Oskela*?)
 Prenicus mons (Li.) XIII B, modern *Perneco*
 Procobera and Porcobera (Li.) XIII B

Taurius and Taruius (V.) VIII C, the latter probably Keltic, cf. O.Ir. *tarb*.

Vaternus and Vatrenus (A.) XXI B

and in dialect inscriptions,

iailkouesi and *ialikouesi* (Lep.) 331, cf. O.Ir. *aile*, Lat. *alius*
labrusca, *laburnum* (Li.?) ii. 203
precula, *pergula* (G.) ii. 186, Quint. 1. 5. 12.

B. Consonants

(11) Proper names from the dialect areas often show combinations of consonants not preserved in Latin; or, if they appear in Latin, it is only because they arose there secondarily. In some of the examples cited below *-rs-* may have so arisen, but probably not in all. I omit borrowed names (e.g. *Agathyrus*, XXIV C).

(a) *-rs-* (cf. *Tarsumennus*, p. 101, *supr.*)

Arsax, Arsacius (Tr.) XII C
 fundus Arsuniacus (T.V.) XVII (iii)
 gens Bersasia (V.) VII C
 Bersula fl., a tributary of the Padus (Tab. Pent.)
 Bursa (V., Tr.) VIII C, XII C
 Bursacus (R.) *Hermes*, XLIX (1914), 311
 gens Carbarsa (Tr.) XI C
 gens Carsia (Li.) XV C
 Corsius, Corsus (Li., A.) XVI C, XXIV C?
 Iarsa (V.) VIII C
 Marsianus (Tr.) XII B
 Mursensis (V.) VIII C
 Tarsa (A.) XXIV C
 gens Tarsunia (T.V.) XIX C
 Tursianus (T.V.) XVII (iii)
 Varsa (V.) VIII C
 Verzo ib.

(b) *-ls-*

Felsina (A.) XXI A
 Gulalsa (V.) VIII C
 Mulsula ib.

(c) *-sl-*

Cuslanus (R.) XXVII

and *sl-*

slaniai (Lep.) 269. 1, 273; cf. O.Ir. *Slāne* (Adamnan, *uit. Columb.*)

sil-

gens Stlaccia (V.) VII C, where note also the gemination of *-c-* before *i*

gens Stlania ib., VII B, cf. Lep. *slaniai* above?

(d) *-sm-*

Atesmeius (Tr.) XII C

Casmonates (Li.) i. 359

(e) *-sn-*

Arusnates (R.) XXV A

gens Lauisno (V.) VII C

mannisnauius (V.) 153a

udisna (R.) XXVII

together with Ven. *mešneh* (159); so also *šn-* initially in Raetic *šnusur* (234).

(f) *-cn-* (cf. Umb. *acnu-*, *perakni-*)

Ocnus (V.) i. 237, 408

urcnom (Gall.-Lat.) ii. 176 sq.?

(12) There are several forms showing medial *-f-*, which cannot be pure Latin. Even the initial *f-* (written *vh-*) of Venetic *vhax·s·θo* 'fecit' is probably not pure Venetic.¹ Messapic at least has *b-* initially, not *f-*, e.g. *berada*, 3 sg. pres. subj. middle, 'ferat.' Medially *-bh-* became a sound written *ϕ* (*ḃ*?) in Venetic, as in *·o·pосоϕo·s·* 'operibus,' except after *u*, where it became a sound written *z* (*ḃ*?), e.g. *·u·zeroϕo·s·* 'uberibus'; *-dh-* medially in Venetic is also *z* after *u*, e.g. *lo·u·zera·h·* 'liberae,' and perhaps in other positions medially, though evidence is

¹ Cf. Walde-Hofmann, p. 440. But on the Venetic treatment of I.Eu. voiced aspirates see also Kretschmer, *Glotta*, XXI (1932), p. 120, *Prac-I.D.* i. 197.

wanting. But medial *-f-* in the following items may, in many instances, be of Italic (e.g. Umbrian) origin, rather than Cisalpine.

- gens Alfia and Albia (V.) VII A, cf. ii. 180
- fundus Alfianus and Albianus (T.V.) XVII (iii)
- Alfianus (V.) VIII C
- gens Alf-isia and Alb-onia (T.V.) XIX C
- Brundulum (V.) ii. 268, but Italic Frondisia, *frontesia*
- Lafarda (V.) VIII C
- mufro* (Li.) ii. 165
- gens Ruf-eria and Rub-enia (V.) VII C
- gens Rufellia and Rubellia (V., Tr.) VII B, XI C
- gens Rufia, Rufria, and Rubria (V.) VII A, B
- Rufinus and Ruber (Tr.) XII B
- Safinianus (T.V.) XVII (iii), but Sabini (R.) XXVII, modern *Val Sábbia*
- Saufeia and Saubia (V.) VIII C
- Suefia (H.) IV C, but Suedia (V.) VII C

Ptolemy (3. 1. 43) records a Ligurian place-name in the form

Σαυτίριον XIII C, i. 369

which may stand for an older *Σαυντίριον. If so, then the medial *-fn-* has become *-μν-*, exactly as in *Samnium* (Osc. *Safinim*). But in

Sauma (V.) VIII C,

if not in *Staumus* (ib.), *-m-* perhaps stands for *-gm-* (cf. Vulgar Latin *sauma* from σάγμα, Provençal *sauma*, O.E. *sēam* 'ass, beast of burden').

In *ballaena* (ii. 429), which, with Kretschmer and Walde-Hofmann (*s.v.*), I regard as properly Illyrian, I.Eu. *bh-* appears as *b-*, but it is not clear through what channel the word entered the Latin vocabulary. And in *Roudelius* (ii. 164), *Anderoudious* (VII B): *Rubellius*, *Rufellius*, we have *-d-* which is neither Latin nor Italic, though it is difficult to decide whether to ascribe it to Ligurian or to Keltic.

(13) Items with a mis-placed, omitted, or added *h* are legion. 'Aspiration' so-called was a shibboleth in many parts of ancient Italy, as in some parts of modern England, and both the uneducated, and some of the educated, if we may judge from the Latin inscriptions of

Cisalpine Gaul, were in doubt not only about words like (*h*)*arena*, (*h*)*umerus*, but also about the spelling of their own names. In part the doubt arose from the complete loss, not only of *h*-, but also of true *aspiratae*, which became plosives, as in Messapic (*aprodita* 'Aphrodite'). Unquestionably a large number of false spellings are sheer blunders of illiterate engravers or composers. But there are some forms in which there was genuine doubt as to the correct pronunciation, as 'Ενετοί and 'Ενετοί, *Histria* and 'Ιστρία, Illyrii and 'Ιλλύριοι, *mare Adriaticum* and *Hadriaticum*. Moreover a Keltic utterance must have introduced an aspirate strange to Roman ears in such a word as *gnotus*, *gnatus* (Gaulish *gnatha*, fem. sg., Dottin 59), cf. O.Ir. *gnāth* 'familiar, well-known'. Variant spellings such as Raetic *tinaxe* (231) and *pinake* (228), Venetic *ekupeθari·s·* (141) and *ecupetaris* (157), are probably indications of a similar change in pronunciation; cf. Ven. *voθo* (150) 'Otho,' *vaχ·s·θo* (150, 3rd sg. ending -to), and *ollo·u·kiθ* (143, 3rd sg. ending -t), all except *ecupetaris* from Padua itself.

Again there is a regular Venetic change by which -*kt*-, -*ks*- became -*ht*-, -*hs*- respectively, which introduced -*h*- (afterwards lost) where no *h* had been heard before, and this change is reflected in the spelling of some of the proper names of north Italy. Thus we have not only Venetic¹ *rehtia* 'Rectia' (cf. Raetic *reitie?*), ·*a·hsu·n·*, ·*a·hsuš*, ·*a·hša* (: *ăşoves*, *axis*, cf. Welsh *echel*, Bret. *ahel* from **aksi-lā*, O.H.G. *ahsa*), but also

Escingus and Excingus (Tr.) XII B, cf. Lep. *esopnio* (303.2),

Gallic *esanekoti* (337.7), also with -*s*- for -*ks*-

gens Ritia (V.) VII C

Daeus Santus Siluanus (H.) II

gens Sestia and Sextia (A.) XXIII A

gens Vitoria (H., V.) III C, VII A, cf. Bitoria (V.) VIII B

Carbantorate and Carpentoracte (Tr.) XIII B, cf. Vardagate (ib.), and the suffix of modern *Gallarate*, though it is not clear that in Vardagate (cf. Gaulish *Condate*) -*ate* must stand for -*acte*.

¹ But note also *vaχ·s·θo*, *φoχso·s·*, *vuχ·s·χιia*, *vo·χ·sii*. In these forms, however, χ indicates that *k* had at least begun to change into *h* before *s*.

To the evidence given in *H.S.C.P.*, XLII (1931), pp. 145, 155 pointing to the loss of *s*- (through *h*-) in north Italy add now 'Ομβρικός, *Ambrones*: Σύμβροι (Sardinia)?

It would not be astonishing, therefore, if the Cisalpines, like many others in Quintilian's own day (*Inst. Or.* 1. 5. 20, cf. also Cic., *Orat.* 160) mis-placed their 'aspirates.' Nothing certain is known of the identity of the Arrius guilty of this very fault as we learn from a famous epigram of Catullus (84). Editors of Catullus think that he was the Arrius mentioned by Cicero (*Brut.* 242) 'as an actor of low birth and poor parts': but it does not seem to me an unlikely conjecture that he belonged to Cisalpine Gaul, if not to Catullus' own birth-place, Verona. I return, however, below (§ 14) to the epigram of Catullus in another connexion. Meanwhile it is to be observed that examples of *h* mis-used in the Latin inscriptions of north Italy are very numerous; I cite only a few from my collections:

'Αχέppai and Acerrae (Tr.) IX C
 Asta and Hasta (Li.) XIII B, both in inscriptions
 Athesis and Atesis (R.) XXV A
 Omuncio (Tr.) XII C
 Ortensia ib.
 Osius ib.
 Machrobis (V.) VIII C
 Hornata (Tr.) XII C
 Pulcer and Pulcher (A.) XXIV C
 Raeti and Rhaeti (R.) XXV A
 Rethorica (Tr.) XII C
 Sotericus and Soterichus (Tr.) XII B

(14) But in Catullus' epigram manuscript authority is against the vulgate readings *chommoda* (v. 1), *Hionios* (12), and in v. 2 gives not *hinsidias* but *insidias he(e)*. Hence it has been suggested that what Catullus meant was *insidias* pronounced *insidiaš*,¹ i.e. with a final palatal fricative (š) instead of the dental s, on the ground that Venetic has such a sound frequently, e.g. in *·a·hsuš* (acc. pl.).

It is true that Venetic, like Umbrian, does show assibilation before *-i-*, e.g. in *vhaφαhtša* (1) 'Fabatia,' *iiuva·n·tša* (112) 'Iuuantia,' but

¹ See E. Harrison, C.R., XXIX (1915), pp. 194 sq., *Proc. Camb. [Eng.] Philol. Soc.*, Nov. 5, 1914 and Feb. 10, 1910. [Professor W. C. Greene suggests to me that the condition of the MSS. of Catullus at 84.1 and 12 may represent (as I have argued as to Livy) that the peculiarity of utterance which Catullus wished to lampoon has been 'eradicated' from them.]

I can find no evidence to indicate that the pronunciation of Latin in Venetic districts had the sound *š* as early as the first century of the Empire. On the other hand there are a few spellings in Latin inscriptions which point to some fricative, foreign to Latin certainly, but which may have been close to the Venetic sound written *z* (e.g. in *zona·s·to* 'donauit'), however that was pronounced, and which may, in some instances at least, have arisen from *-dž-*, as in the Gallic *mezu-nemušus* (338) 'Medio-nemorensis,' with *mezu-*: Latin *medio-*. It is indeed not certain what the precise pronunciation of the Venetic *z*-symbol was, but any attempt to determine it should take into account the spellings

Pidzinna (V.) VIII C
Dzoni (Tr.) XII C
Medsillus ib.
Tzinius (A.) XXIV C
Vradsarius (Tr.) XII C

even though but one of these is actually from the Venetic district, no less than the Venetic form *ne·r·kazsiakna* (34), in which *-zs-* is apparently an attempt to write a fricative that had arisen before *-ž-*. That Venetic inscription, I think, is to be analysed into two names, *ne·r·ka* (already well attested in Venetic) and *zsiakna*, i.e. 'Diagena,' compare perhaps *Diugenia* (V.) VIII C. It is not clear that *-ž-* was here parasitic, though it may have been such (as perhaps in Raetic *siupiku* 192, *šupiku* 191b; *kiaiser* 234 bis a; cf. *xiukui* 206a, though there *i* is susceptible of a different explanation; and in Lepontic *dieupala* ii. 59^p); nor how far a similar sound is to be recognised in East Italic *d·szin* (352.1) or Messapic *hadσελν* (ii. 362) and in Sikel *hazsuies* (576). But it seems likely that in some parts of north Italy *-xž-* became *-š-* (e.g. Lep. *našom*, 304a), just as *-sž-* became *-ss-* in Messapic (e.g. *valasso*, ii. 586, cf. ii. 297, 411), and, as Pauli and Dottin have seen,¹ *-ss-*, *-xs-*, *-s-* appear frequently in the inscriptions of Cisalpine Gaul to denote a sound or sounds also written *-ds-*. I note here, out of a large number of examples, the following:

Alexsa (V., Tr.) VIII B, XII C
Anassum and Anaxsum (V.) i. 246

¹ *Altital. Forsch.*, I, 86 sqq., III, 178 sqq.; Dottin, *Lang. Gauloise*, pp. 62 sq.

gens Axsia (V.) VII B
 Coxsinus (V.) VIII C
 gens Deksia (A.) XXIII C
 Exsoratus, -a (V.) VIII A
 Expectatus (Tr.) XII B
 Exsuperatus (Tr.) XII B
 Exsuperantius (V.) VIII C
 Maximianus (V., Tr.) VIII A, XII B
 gens Sexsticia (Tr.) XI C
 Vxsubia (Li.), N.d. Sc., 1890, p. 274.

But manifestly *-xs-* in some of the above stands simply for *-ks-* or *-x-*, implying at the most nothing more than a prolongation of *-s-* in that sound-group, i.e. a kind of gemination. In *Expectatus*, *Sexsticia* we have merely the prolonged (so-called 'double') *-s-* frequent in Vulgar Latin before a breathed plosive, cf. *Cestus* and *Cesstus*, *Resspectus* (V.) VIII C, *Assceua* (T.V.) XVII (iii), and so in Raetic *es·stua* (232), a prolongation which when initial was often felt as a vowel and written *i* or *e*, e.g. *Istercoria* (V.) VIII C.

(15) Gemination, however, on the one hand, and the simplification of *geminatae* on the other, are also noteworthy features in themselves, and the former frequent enough to be characteristic, as in the Italic dialects proper,¹ and generally arose under the same conditions as in those dialects. Of several hundreds of examples which I have collected only a selection can be quoted here. There are several distinct categories, as in Italic; and again, as in Italic, the groups *-tt-*, *-ss-*, *-nn-*, *-ll-*, *-cc-* are especially marked.

(a) Before *-ĭ-* (or cognate forms):

-pp- gens Trippia (Tr.) XI C
 gens Vippia (Li.) XV B
-bb- Babbius (V.) VIII C
-tt- gens Blattia (Tr.) XI C
 Decettius (Tr.) XII C
 Λικάττιοι (R.) XXV A

¹ On gemination in Latin the reader should consult the dissertation by A. Graur, *Les consonnes geminées en Latin* (Paris, 1929); and in Italic, von Planta, *Grammatik der O.-U. Dialekte* (Strassburg, 1892-97), I, pp. 537 sqq.

- gens Lotteia (V.) VII C
- gens Ponttia and Pontia (Tr.) XI A
- gens Neuisattia (V.) VII C
- Suaduttio (V.) VIII C
- cc- Albiccianus (H.) IV C
- Louccianus (V.) VI
- gens Matuccia and Matucia (Li.) XV C
- gens Stlaccia (V.) VII C
- Succio (V.) VIII C
- fundus Veccius but Veconianus (T.V.) XVII (iii)
- gens Vesuccia (Li.) XV C
- ff- gens Meffia (V.) VII C
- rr- Birrio (Tr.) XII C
- Caburriates (Li.) XIII C
- fundus Dirrianus (T.V.) XVII (iii)
- gens Murria (V.) VII A
- ll- Allius (V.) VIII C
- gens Gauillia (H.) III B
- Rupercellius (T.V.) XX B, but Rusticelia (A.) XXIII C
- mm- gens Gimmia (Tr.) XI C
- nn- gens Ligunnia (V.) VII C
- gens Sebinnia ib.
- ss- gens Dessia (T.V.) XIX C
- gens Ebussia and Ebusia VII C

(b) Before -*ȳ*- (-*ȳ*- being later vocalised):

- Addua (R.) XXV A
- gens Allua (Tr.) XI C
- fundus Saccuasicus (T.V.) XVII (iii)
- gens Salluia (V.) VII A

(c) Before -*r*-, -*n*-:

- Ettro (V.) VIII C
- Ettnia (Tr.) XI C

(d) In some words 'double' consonants seem to be due to the assimilation of -*ȳ*- or -*ȳ*- to a plosive, or nasal, or liquid, usually preceding, e.g.:

- Ananni and Anauni (R.) XXV A
- Brenni and Breuni ib.

Broccus (Tr.) XII A?
 Leucumellus and Leucomelius (T.V.) XVII (iii)
 gens Voranicca (H.) C, if for *-icia*, but hardly the following
 Paddarus (Tr.) XII B: Pandarus ib.?

Very many, however, cannot be so classified. Some are probably pet-names, e.g.:

Adenna (Tr.) XIII C
 Amma (A.) XXIV C
 Banno (V.) VIII B
 Batto (V.) VIII C
 Cicca ib.
 Crippa (Tr.) XII C
 Critto (V.) VIII C
 Cussa (Tr.) XII C
 Dunno ib.
 Iolla ib.
 Lattus ib.
 Loppo (V.) VIII C
 Mocco (Tr.) XII C
 Moccus (Tr.) XII B
 Mommo (Tr.) XII C
 Natta (V.) VIII B
 Querra (V.) VIII C
 Sippo (Li.) XVI C
 Sutta (V.) VIII C
 Tappo (Tr.) XII C¹
 Vatta ib.
 Venno ib.
 Vippus (Li.) XVI C
 Zibba ib.

while others are simply popular pronunciations, or occasionally faulty or archaic spellings, as

Attepata (V.) VI
 Appuleia (H.) III B
 Brissinia (H.) III C
 quaessi *C.I.L.*, 5. 2986 (Padua)
 Ruffina (R.) XXVI (i)
 Sabinnus (Tr.) XII C, for Sabinus

¹ Cf. Catullus 104, and editors' notes ad loc.

but that prolonged -cc-, -tt-, -ss-, -nn-, -ll-, -rr- were normal is clear from a large number of well attested spellings, of which the following may be cited as examples:

Appollo (Tr.) X
Attinaua (T.V.) XVII (iii)
Bagienni (Li.) XIII A
Bagiennus (T.V.) XVII (iii)
Bellunum (R.) XXV A
Bimbelli (Li.) XIII A
Camunni (R.) XXV A
Cinnerus (T.V.) XVII (v)
Corogennates (Tr.) IX B
Deruonnae (Tr.) X
Ibitta (T.V.) XVII (iii)
Iruaccus ib.
Laumellum (Tr.) IX B
Litucca (Tr.) XII C
Maielli (Li.) XIII B
Maricca (Tr.) XII C
Medulli (Li.) XIII B
Mella (V.) V A
Mertronnus (Tr.) X
Paronn - - ib.
Salassi (Tr.) IX A
Scultenna (Li.) XIII C
Sebinnus (V.) V B
Sinnensis (T.V.) XVII (iii)
Statiellus ib.
Suandacca (V.) VIII C
Tessenii (R.) XXV B
Tollegatae (Tr.) XI C
Triullatti (Li.) XIII B
Tulliasses (R.) XXV B
Turri and Turi (Li.) XIII B, i. 359, 364
Turrus (V.) V C
Vandacca (V.) VIII C
Vcellasicae (Tr.) X
Vcenni (Li.) XIII B
Velleiates (T.V.) XVII
Vennones (Tr.) IX, i. 317
Vennonetes (R.) XXV A
Vennostes ib.
Vennum (V.) V C

Verbannus (Tr.) IX A
 Vergunni (Li.) XIII B
 Veruasses (V.) V B, cf. i. 448

Now it is quite certain that gemination was characteristic also of the native dialects, as may be seen from a consideration of the following forms:

·a·l·lo (V.) 35, with -ll- from -l_i-
 alacco (G.) ii. 193, with -cc- from -uc-
 attilus (N.I.) ii. 202
 ·a·t·o (V.) 166
 baccar (N.I.) ii. 205, if from *bacca*, *bāca*¹
 battuere (G.) ii. 191
 benna, combennones (G.), ii. 186, with -nn- from -nd-?
 brennus (G.) ii. 182
 caballus (N.I.) ii. 202
 carissa (G.) ii. 195
 killo·s· (V.) 163
 couinnus (G.) ii. 202
 cucullus ib.
 damma (Li.) ii. 162
 ·en·n· (V.) 144
 erott·n·s (V.) 10
 γλνvos, ginnus (Li.) ii. 163
 itti (R.) 217, 218a
 lassiko (V.) 160
 linna (G.) ii. 198
 makkno·s· (V.) 127, cf. *Mocco*, p. 122, *supr.*
 mannisnauius (V.) 153a
 mannus (G.) ii. 198, -nn- from -nd-
 obba (G.) ii. 198
 ossoko·s· (V.) 163
 filaiatt·a_x (V.) i. 182
 pu·k·ka (V.) 15
 ruma·n·na (V.) 21
 serracum (G.) ii. 202
 σιγυνvai (Li.) ii. 159
 sselboisselboi (V.) 157
 šupiku (R.) 191b, if š stands for ss- (from s_i-)
 tucetum (G.) ii. 199
 uarro (G.) ii. 190
 vas·seno (V.) 136

¹ I hope to publish later a note on the etymology of this word.

ve·n·na (V.) 169

ve·n·nonis (V.) 144

vo·tie (V.) i. 182

vo·t·tehiio·s· (V.) 100.

But simplification in one of two pairs of *geminatae* in the same word is noteworthy, e.g.

Dossenus (V.) VIII C

gens Metellia (V.) VII C, but Mettasia ib., cf. Metella (Tr.) XIII C

fundus Mettunianus (T.V.) XVII (iii), gens Mettunia (A.) XXIII C, but gens Mutellia (V.) VII C, Mutteia, Muttina, Muttinia ib.

Successus, Succesus (A.) XXIV B, cf. Successor, Succesor, Succesor (V.) VIII B

and occasionally elsewhere, though perhaps only by careless spelling, e.g.

Apolinaris (A.) XXIV B

gens Aruntia (A.) XXIII B

Calinus (A.) XXIV C

Comunis (A.) XXIV B

Frontonila (H.) IV B

Fulonia (V.) VII C

Marcelus (V.) VIII A

gens Olia (A.) XXIII C

gens Popilia (Tr.) XI C

Sula (V.) VIII B

Vrsila ib.

Did Livy, by any chance, ever say *Polio* instead of *Pollio*? There are many instances recorded of alternative spellings such as *Polla* and *Pola*, e.g. (Li.) XVI A, and we have actually the spelling *Polion* (V.) VIII C, cf. *Polio* (Juv. *Sat.*, 7.176).

(16) It has already been noted by Pauli (*op. cit.*, p. 400) that there is some confusion between *mediae* and *tenuis* in the writing of Latin in the inscriptions of Cisalpine Gaul, and in my earlier paper (pp. 144, 150) I called attention to some evidence from the dialects pointing towards a marked consonant shift. Quintilian, as we have seen, objected to *precula* for *pergula*. I add now further evidence from the

proper names of north Italy. But the evidence is difficult to interpret and perhaps means no more than that there was some laxness of articulation of voiceless sounds. Moreover the extraordinary disproportion of the number of forms in which we find an alternation of *c* with *g*, as compared with those in which we have *p* : *b* and *t* : *d*, is a clear warning that the former are often due merely to faulty writing, that is, to a failure of the engraver to distinguish *G* from *C*.

Parra, Barra (Tr.) IX A, cf. Parrodunum (R.) XXV C, Parra (V.) VIII C, (T.V.) XX B

Bergalei, modern *Pregaglia* (R.) XXV A

Bergomum, Pergamus (Tr.) IX A, i. 231

Carbantorate, Carpentoracte, *carpentum* (Li.) XIII B, ii. 187

Epidia, Ebidia (V.) VII C, B

Padinates, *Bo(n)deno* (A.) XXI C, cf. p. 107, *supr.*

Prenicus (Li.) XIII B, Pregnarii (R.) XXV A, Brenni ib.

Atria and Adria (V.) V A; the reader will observe that in this and the two following examples we have the familiar change of *-dr-* to *-tr-* found also in Latin itself (see Sommer, *Handbuch*, ed. 2, p. 226).

Betriacum and Bedriacum (V.) V B

Forum Truentinorum and Forodruent - - (A.) XXI C

Dertona: modern *Tortona* (Li.) XIII A

Mantua (V.) V A: Mand-uria?

Modiciates, see p. 107, *supr.* (Tr.) IX B?

Tzinius (A.) XXIV C: Dzoni (Tr.) XII C

Adceneicus, Adganai (Tr.) X

Ausuciates (Tr.) IX A: Ausugum (V., R.) V C, XXV B

Brigantia, Brecantia (R.) XXV A

Caia (Tr.) XII C, if for G- (cf. Gaianus XII C)

Cemenelum, Gemenelum (Li.) XIII A

Cemonia (H.) IV C

Cenauni, Genauni (R.) XXV A

Cermanus, Germanus (Tr.) XII A

Cetula, Gaetula (Tr.) XII C, Cetulicus, Gaetulicus (V.) VIII C

Cnome, Gnome (V.) VIII B

Crae - -, Crecca (Tr.) XII C; Crexia, Craexia (V.) VII C, cf.

Crixia (Li.) XIII C, Ven. *kra·e·hk* (162a): Graxia (V.)

VII C, Grae-cus

Ducius, Dugius (Tr.) XII B, perhaps intervocalic voicing

Duciaua, Dugiaua (V.) VIII B

Ecdini, Egdini (Li.) XIII B, by assimilation?

Egdotus (V.) VIII C
 Egloge (Tr.) XII B, Eglogus (V.) VIII C
 Euancelus (H.) IV C
 Filacrius (Philargyrius?), (Tr.) XII C
 Fuciena (V.) VIII C
 Fulcinia (H.) III C
 Grysogonus (A.) XXIV C
 Guttiae, Cutiae (Tr.) IX B
 Isargus, Isarci (R.) XXV A
 Magrinus (V., Li.) VIII C, XVI C, but Macrinus (V.) VIII A
 Moco (Li.) XV C, Mocetius (Tr.) XII A, Moca (V.) VIII C:
 Mogetius (Tr.) XII A, Mogetillus (Tr.) XII C
 gens Orciua, Orgiua (V.) VII C
 gens Ragonia (H., V.) III C, VII A: Raconius (*C.I.L.*, 10.4313),
 cf. Racilius (*I.D.* 311 B, 257 B)
 Sacis, Sagis (A.) XXI B, cf. Sagatae Siluae (T.V.) XVII (iii)?
 gens Selicia, Seligia (H.) III C
Sqmma (R.) XXVII, cf. *σίγμμα* (Li.) ii. 159
 Vardacate and Vardagate (Li.) XIII A
 Velacena, Velagenus (Tr.) XII C
 Vercellensis, Vergellensis (T.V.) XVII (iii)
 Verco, Verginilla (Tr.) XII C
 Vescasso, Vesgasa, Vesgasio, Vesgassis (V.) VIII C

(17) Here at the end I bring together a few examples of miscellaneous and less well attested changes.

(a) *-n* for *-m* (as in Venetic, Gallic, and Raetic, e.g. *·a·h·sun* Ven. acc. sg. 167, G. *lokan* 339a 7, R. *kaian* 244. 1, *ritan* 222?). But I can hardly think that *cun* and *con* for *cum*, *iten* for *item*, *quan* for *quam*, *quen* for *quem*, *tan . . . tan* for *tam . . . quam*, *uotun* for *uotum*, all to be found in *C.I.L.* 5, are to be connected in any way with the dialectal change.

(b) Loss of intervocalic *-g-*:

Taius (V.) VIII C, cf. Ven. *tahio·s·* (118), G. *takos*, cf. Raetic *mais* (228), *Mahestinus* (Tr.) XII C, Lep. *riop* - - 265. 2, 279 (*Rigo-*). Did Livy, like the Oscans, and perhaps like the older speakers of Latin, say not *magis* but *mais*?

(c) Loss of initial and intervocalic *-u-* (cf. Pauli, *op. cit.*, p. 401):

Esubiani and Vesubiani (Li.) XIII B, i. 364

- Ἑλισυκοί, v. l. Ἑλ-, (Li.) XIII C, ii. 79: *veluskeš*, *C.I.E.* 5213,
Volsci?
Faonius (V.) VI, Faor (V.) VIII C
Ἰκτούμουλαι, Victumulae (Tr.) IX B
gens Iuentia, Iuuentia (Tr.) XI A
Laeui (Li.) i. 311, 314: Λάοι (Tr.) IX B
Priata, for Priuata (V.) VIII C
Volane and Olane (V.) V C
Veneti, Eneti, Ἐνετοί, and Ἐνετοί (V.) i. 230, 233

(d) *-d-* : *-l-*, as in

- Ἀκεδον: Ἀκελον (V.) V B
Pado: Palo (Li.) XIII C

(e) Loss of *-n-* before *-s-*, rarely before *-t-*:

- Clemes (Tr.) XII A
Cresces ib. and (A.) XXIV A, (T.V.) XX B
Costantinus (Tr.) XII B
gens Foresia (Tr.) XI C
Fortunesis (Tr.) XII C
Langenses and Langueses (Li.) XIII B
Masuetus, -a (V., Tr.) VII B, XII B
Pinnesis (Tr.) XII C
Pudes (A.) XXIV C
Titinius and Tintinius (V.) i. 112
Vales (V.) VIII A
Valetinus (Tr.) XII B
Veronaeses (R.) i. 446

But only the latter of these (*-t-* for *-nt-*) is attested also in the dialects, e.g.

- vitamu* (R.) 196a 1, i.e. 'Vindamus'?
kuitos (G.) 'Quintos' 337, cf. Quita, *C.I.L.*, 6. 24052

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(18) It is a much more difficult matter to show that the Latin of Cisalpine Gaul used different formants or suffixes, or different constructions, from those of standard Latin. But attention should be called to one or two noteworthy features.

(a) -*sc-* : -*no-*

Taurisci and Taurini (Tr.) IX A, cf.
ἀλιούσκα and *saliunca* (Li.) ii. 160

(b) The frequency of the formant -*ua*, -*uo-*, and of the suffix -*oa*, -*ua*, -*uo-* in the names of North Italy, e.g.

Addua (R.) XXV A
Allua (Tr.) XI C
Berua (R.) XXV A
Bod-ua-cus (V.) VIII C
Boxarua ib.
Bradua (Li.) XVI B
Condexua (Tr.) XII C
Κοσθή (A.) XXI A, i. 415
Genua (Li.) XIII A
Libua (V.) VIII C
Mantua (V.) V A
Med-ua-cus ib.
Nauoa (R.) XXV A
Nicua (Tr.) XII C
Padua (A.) XXI A
Put-ua-nus (T.V.) XVIII B
Quartua (V.) VIII C
Sacc-ua-sicus (T.V.) XVIII C
Sapuatilia (Pais, *Suppl.* 829)
Sebuini (Li.) i. 313
Soliboduus (V.) VIII C
Ver-ua-sses (R.) XXV A
Vor-uo-disius (V.) VIII C

can hardly, I think, be independent of the Raetic ending -*ua* in forms like

ahua 203b
asua 237
es·stua 233
rakinua ib.¹
tukinua 209.

¹ See Skok in *Arhiv za arb. star.*, I. 17.

(c) A prefixed *l* or *li-*, which has been thought to be Illyrian in origin,¹ is perhaps to be identified in

Lambrus, Lamber (Tr.) IX B: Ambrones (Li.) ii. 147, Ambra (R.) i. 448, Amras (R.) i. 455
 Lauisno (p. 113, *supr.*), Lavis i. 456: Avi(o) i. 456 (R.)?
Lerici: Eryx ii. 149?

(d) So far as I can find there is no indication in Cisalpine Latin, as there is in the dialects, of the use of a patronymic adjective, e.g. G. *tanotaliknos* (337. 2), Lep. *metelikna* (321), Ven. *kara·n·mn·s·* (2), instead of the genitive of the father's name.

(19) Since I wrote my paper on Germanic traits in the dialects of north Italy I have observed a large number of names, manifestly Germanic in origin, in the Latin inscriptions of that district. Many of these, it is true, occur in comparatively late documents. But who shall say that such outlandish-sounding names of acquaintances at Padua as

Alagildus (V.) VIII C
 Landulphus (Tr.) XII C
 Leutbrandus ib.
 Suebia (see p. 116, *supr.*),

or words as odd as the Raetic *ploum* 'plough' (254 D), were never heard in the streets of Rome on the lips of Livy? Late as the inscriptions are from which these four names have been taken, *hariχasti* at least (ii. 611, third century B.C.), which is good Germanic, is older than Livy, and near enough geographically at Negau to strengthen my suggestion that there was some Germanic influence in Alpine regions before Livy's day, while *ploum* is known to us from the elder Pliny.

¹ Cf. i. 445, with n. 2; Krahe, in *Z.f.O.-N.F.*, VII (1931), p. 21.

THE INFLUENCE OF ATHENIAN INSTITUTIONS UPON THE *LAWS* OF PLATO

BY ALSTON HURD CHASE

OF ALL the Platonic dialogues the *Laws* is the most seldom read. The immense length of the work, the harshness of the style, and, above all, the disordered and often uninteresting nature of the matter have dampened the enthusiasm of even the most devoted Platonists. Indeed, those who have loved Plato best have found it hardest to forgive him the dry and prosaic realism of his last work. Nevertheless, the *Laws* contains a great amount of learning, and of wisdom as well. Plato had studied the existing institutions of both Greek and barbarian nations with great care, and he borrowed freely from all in constructing that second state, which, although framed with acknowledged attention to the capabilities of a fallible humanity, has still much within it that recalls the nobility of the *Republic*. Moreover, if it be true that the *Laws* savor of earth, the earth is chiefly that of Plato's native Athens. That much of the material in the *Laws* was drawn from Athenian institutions has long been acknowledged, but only two careful studies of the matter have hitherto been made. Nearly a century ago, Karl Friederich Hermann wrote two brief monographs upon the sources of the *Laws* in the ancient institutions of Greece, and of Athens in particular.¹ Hermann's treatment is now, of course, inadequate, because of the countless inscriptions since discovered and, above all, because of the great additions to our knowledge made by Aristotle's *Constitution of Athens*. The second study of this question was made in 1907 by Joseph Schulte.² Schulte's treatment is rather summary and, through its failure to use primary sources, also

¹ Carolus Fridericus Hermann: *Disputatio de vestigiis institutorum veterum, imprimis Atticorum, per Platonis de Legibus libros indagandis* (Marburg, 1836); *Iuris domestici et familiaris apud Platonem in Legibus cum veteris Graeciae inque primis Athenarum institutis comparatio* (Marburg, 1836).

² Joseph Schulte, *Quomodo Plato in Legibus publica Atheniensium instituta respexerit* (R. Noske, 1907).

inadequate. I feel, therefore, justified in presenting this new investigation of the subject.¹ It is the purpose of this paper to point out as fully as possible those cases in which the ordinances in Plato's *Laws* are based upon Athenian institutions of his own or of earlier days. At the end I shall strive to determine what principles governed his choice of such institutions and what tendencies are revealed in his modifications of those which he chose, so that we may have some means of determining his value as a witness upon disputed points of Athenian law. The vast and amorphous character of the *Laws* makes it impossible for us to derive any order for the discussion from the work itself. I have arranged the material under definite classifications, and shall discuss first the formation of the state and its various magistracies, and shall then pass to those ordinances which govern the family, religion, military affairs, and, lastly, civil and criminal processes at law. A certain amount of repetition is unavoidable, but I shall strive to reduce it to a minimum by the use of cross-references.²

That Plato had in mind the government of Athens as one of his models, he himself tells us in the third book of the *Laws*: 'There are, as it were, two mothers of states, from which one might rightly derive the others, one correctly called a monarchy, the other a democracy. Of the former the Persian people may be said to possess the highest type, of the latter we ourselves (i.e. the Athenians). Nearly all the others are, as I have said, variations of these. It is necessary and indeed imperative that we adopt a portion of both if there is to be a union of freedom and friendship with self-restraint; that is the command which the course of the discussion would lay upon us when it insists that a city which had no share in these things could never be well governed.'³ Plato's sorrow at the decay of Athens is reflected in the passage in which he contrasts the healthy fear of the laws and the unity of spirit among the citizens at the time of the Persian Wars with

¹ J. Burnet, *Platonism* (University of California Press, 1928), p. 93, speaks of this question as 'practically fresh ground' where 'the work has almost all to be done.'

² I wish to make it clear that the primary interest of this paper is in Plato and not in the general field of Greek law. On the latter subject I do not claim to speak with authority.

³ *Laws*, 693d-e. Cf. the similar attitude of Cicero toward the institutions of Rome, *De Republica*, I, 46.

the lawlessness and disunion of his own times. He attributes the change to the relaxation of discipline in music, with its consequent confusion of the genres.¹ His aristocratic dislike for the commerce which had enriched and endangered Athens is echoed in the passage which warns against the dangers that beset a maritime city.²

I

With that curious definiteness which in the earlier dialogues is often sportive but in the *Laws* seems wholly serious, Plato decrees that the number of citizens shall be unalterably fixed at 5040.³ This number, he explains, is most useful, for it is divisible by all numbers up to and including ten, and has, in all, fifty-nine possible divisors. Also we are led to infer that he considers a population of this number exactly sufficient for the support, administration, and defense of the city.⁴ It is an interesting fact that the number 5040 is a little less than half that number which a computation based upon Aristotle's figures gives as the approximate population of Attica during the sixth century B.C.,⁵ namely, 10,800.

It was doubtless the traditional account of the economic troubles which led to the Solonian reforms and which were so largely the result of the alienation of property⁶ that caused Plato to decree that each of the 5040 citizens should receive an allotment of land which should be the inalienable and indivisible possession of him and his heirs forever. Each citizen must choose one of his children to whom to bequeath his allotment, and if he have no heirs he must adopt one, for the number of lots must remain constant.⁷ This matter will be more fully discussed under the organization of the family.

Although Plato still retains that belief in the corruptive power of wealth to which he gives such vigorous expression in the *Republic*, the measures which he takes against it in the *Laws* show a deeper realization of the selfishness of human nature. The possession of

¹ *Laws*, 698a-701d.

² *Laws*, 704a-707d.

³ *Laws*, 737e.

⁴ *Laws*, 737e-738a.

⁵ A. E. Zimmern, *The Greek Commonwealth* (ed. 4, Oxford, Clarendon Press, 1924), p. 327.

⁶ *Laws*, 736c. Cf. Aristotle, *Constitution of Athens*, 2, 5-6; Plutarch, *Solon*, xiii.

⁷ *Laws*, 740b-741a. Cf. 684d-e.

private property is allowed, but the amount is limited. There is an irreducible minimum, the allotment, of which no citizen may be deprived, and there is a maximum which no man may exceed. Those who possess merely the allotment constitute the lowest of the four classes into which Plato divides the state, after the example of Solon. Both law-givers make landed property the basis of the classification. Those who possess twice the allotment constitute for Plato the third class, those who possess thrice, the second, those who hold four times the allotment the first and highest.¹ Solon's lowest class, the Thetes, had been those possessing land yielding less than 200 measures of grain or oil yearly. The third class were the Zeugitae, with a yield of between 200 and 300 measures, the second class the Hippeis, with between 300 and 500 measures, and the first class the Pentacosio-medimni, who reaped over 500 measures from their land.² The proportional difference between the classes is very similar in the two systems, and there is little reason to doubt that Plato had Solon's classification in mind when he made his own. In his desire to limit property-holdings, however, he adds certain measures concerning the registration of all property in excess of the minimum and the surrender of all in excess of the maximum to the state.³ There are certain exemptions for each class, but these regulations are probably not drawn from Athenian sources and need not detain us.

Plato then divides the citizen body into twelve tribes, each to have its own cult, but to worship as well Hestia, Zeus, and Athena. To each tribe is to be allotted a portion of the territory in the city in the center of the state, and each is to have also an equal share of the surrounding countryside. Each is to have a tribal village in the center of its territory.⁴ The reflections of Athenian institutions in this system are numerous. The number of the tribes is the same as that of the Athenian phratries, which had also each its cult hero or god, and which all worshiped Zeus and Athena.⁵ The local character of the

¹ *Laws*, 744b-745b.

² Aristotle, *Constitution of Athens*, 7.

³ *Laws*, 745a-b, 754d-755a.

⁴ *Laws*, 745b-e, 848d-e.

⁵ CIA, II, 609, 841b, 1653; Suidas, s.v. *φάρπλη*, Pseudo-Demosthenes, *Against Macartatus*, 14; Plato, *Euthydemus*, 302d.

tribes resembles that of the demes.¹ The name and assignment of cults to each also resembles the Cleisthenean organization of the tribes.² Finally, the assignment of property in city and country alike is doubtless inspired by a desire to give to all the people those benefits of both town and country which in Attica were enjoyed by the rich alone. Perhaps, also, Plato wished to spare his state the rivalries between town and country which had troubled Athens during the sixth century.

Plato opposes property qualifications for the holding of office,³ insisting, as always, upon the value of character and education as criteria.⁴ He does, however, decree that only those who have served or are serving in the army shall have the franchise.⁵ This provision may have been inspired by the early Attic law which restricted the right to hold office to those three upper classes which were wealthy enough to provide their own arms,⁶ or Plato may simply have been thinking of the errors committed by inexperienced and incompetent voters at Athens during the course of her numerous wars.⁷

The laws and their operation are to be placed under the guardianship of a council of thirty-seven, which is doubtless a copy of the council of the Areopagus before it was deprived of its powers by Ephialtes and Pericles.⁸ This council is to keep the register of the property of the citizens, and is to see that those who violate the laws concerning property are punished.⁹ The members of the council must be at least fifty years of age and may not hold office after passing seventy.¹⁰ They are to be elected by the people in an extremely complicated fashion, which does not, however, involve the use of lots.¹¹ Thus the membership of the council is much more carefully controlled than was that of the Areopagus at Athens, which, in post-Solonian

¹ Aristotle, *Constitution of Athens*, 21. Cf. also the quotation from Aristotle in the scholia to the *Axiochus* in the Platonic corpus. We may note also that the legendary cities founded in Attica by Cecrops were twelve in number, as we are informed by a quotation from Philochorus in Strabo, IX, 397.

² *Ibid.*

³ *Laws*, 696a-b.

⁴ *Laws*, 751c-d.

⁵ *Laws*, 753b.

⁶ U. von Wilamowitz-Moellendorf, *Aristoteles und Athen* (Berlin, 1893), I, pp. 77-78; Aristotle, *Constitution of Athens*, 4.

⁷ Cf. Thucydides, II, 65.

⁸ *Laws*, 752e, 754d-e; Aristotle, *op. cit.*, 4, 8, 23, 25.

⁹ *Laws*, 754e.

¹⁰ *Laws*, 755a-b.

¹¹ *Laws*, 753b-d.

times, was composed of ex-archons who held office for life. From the beginning of the sixth century these archons were chosen partly by lot.¹

Corresponding to the Council of the Cleisthenean and the Solonian constitutions we find in the *Laws* a council of 360, ninety members from each property class.² This method of distribution of membership differs, of course, from the Athenian, where fifty were chosen by lot from each tribe.³ The rules for their election are too complicated to detain us here, since they are, in all probability, Plato's own invention, but the main outlines of an election by vote combined with one by lot resemble the Athenian method of electing archons.⁴ All are forced to undergo a scrutiny, as were the members of the Council of the Five Hundred at Athens.⁵ It is interesting to note that Plato feels called upon to make an apology for the use of the lot, which, he says, is introduced to placate the common people, and is used with a prayer to God and good fortune to guide it aright.⁶ Another imitation of the Athenian system is found in the division of the Council into twelve prytanies, one for each month, which resemble their ten Athenian counterparts in having charge of the reception of foreign ambassadors, of civil administration, and of the maintenance of order.⁷ In Plato's state, as in Athens, the Council is charged with the duty of summoning the general assemblies of the people,⁸ and possesses, apparently, the same probouleutic powers. When Plato, in the passage to which I have just referred, speaks of 'assemblies in accordance with the laws and those which suddenly occur in the city,' he seems to have in mind a distinction similar to that which the Athenians themselves drew between stated and summoned meetings of the Ecclesia.⁹ The term

¹ Aristotle, *Constitution of Athens*, 3, 8, 62.

² *Laws*, 756b-c.

³ Aristotle, *op. cit.*, 21, 43; Thucydides, VIII, 69; Demosthenes, *Against Meidias*, 111; Pseudo-Demosthenes, *Against Neaera*, 3.

⁴ *Laws* 756b-e; Aristotle, *Constitution of Athens*, 8, 43, 62.

⁵ Aristotle, *op. cit.*, 45; Plato, *Laws*, 756e.

⁶ *Laws*, 757e.

⁷ *Laws*, 758a-d; Aristotle, *op. cit.*, 43, 47.

⁸ *Laws*, 758d; Aristotle, *Constitution of Athens*, 43-45.

⁹ Aristotle, *loc. cit.*; Aeschines, *On the False Embassy*, 72; Pollux, VIII, 116; Harpocration, s.v. συγκλητὸς ἐκκλησία.

of service for members of the Council is one year under both constitutions.¹

The city magistracies which Plato establishes have their origin in certain of the Athenian civic boards. The wardens of the city, although three in number in contrast to the ten Athenian officials of the same name — five of whom, however, were concerned with the Peiraeus alone — exercise the same functions of supervision of streets and buildings as did their Athenian counterparts,² with the addition of the duties of the superintendent of the water-supply, who was in Athens a separate official.³ They seem also to have been entrusted by Plato with a supervision of artisans and their grievances which we do not know of their possessing in Athens.⁴ They are to be elected in Plato's state by a combination of ballot and lot from the members of the wealthiest property class;⁵ in Athens they were chosen by lot, as Aristotle succinctly remarks.⁶

Plato next provides that from the two highest property classes there are to be chosen, in the same manner as the wardens of the city, five wardens of the market-place. They are to have the power of enforcing all the regulations governing trade and of maintaining order in the market and at the wells and temples there situated.⁷ They and the wardens of the city have the power to enforce the law by imprisoning or scourging a slave or a foreigner. Either group of wardens may fine a citizen any sum up to one hundred drachmas when it sits alone as a court, or up to two hundred when sitting in company with the other group.⁸ There are numerous other duties allotted to them which are not clearly enough connected with Athenian law to be mentioned at length.⁹ At Athens the wardens of the market-place were chosen by lot, five for the city and five for the Peiraeus. They were supposed to guard against fraud and adulteration of all kinds.¹⁰ There seems to

¹ Aristotle, *Constitution of Athens*, 43; Plato, *Laws*, 756e.

² *Ibid.*, 763c-e.; Aristotle, *op. cit.*, 50.

³ Aristotle, *op. cit.*, 43; *Politics* V, 8 (1321b).

⁴ *Laws*, 847a-b.

⁵ *Laws*, 763d-e.

⁶ Aristotle, *op. cit.*, 50.

⁷ *Laws*, 763e-764b; 917e-919a.

⁸ *Laws*, 764b-c.

⁹ Cf. *ibid.*, 843d, 847b, 881d-e, 920c, 936c, 953b.

¹⁰ Aristotle, *Constitution of Athens*, 51; *Lysias*, XXII, 16; Aristophanes, *Acharnians*, 723, 824, 968; *Wasps*, 1406.

have been an Athenian law empowering the wardens of the city and of the market-place to subject slaves and strangers to a scourging of not more than fifty blows, and to fine a citizen, probably up to the usual maximum for minor officials, fifty drachmas.¹

Plato provides for three groups of gymnasia in the city,² which is exactly the number possessed by Athens in the fourth century B.C.³ There seems to have been no Athenian officer corresponding to the one whom Plato places in charge of all the schools and gymnasia.⁴ In the *Laws* provision is also made for the appointment of a master of choruses, who must be at least forty years of age.⁵ There was a similar regulation at Athens governing the age of the choregi of boys' choruses.⁶

Although I can find no express statement on the point, Plato seems to desire that *all* officials pass a test of their fitness which shall examine not only their experience and character but also their education and family background.⁷ If any who have been elected fail to meet the requirements, substitutes are to be chosen in their place.⁸ The test, it would seem, is to be administered by the same body which has the power of election, in the case of officials chosen by vote;⁹ the case of those chosen by lot is not discussed. Perhaps those who put forward the names from among which the officials are drawn by lot are to be concerned with them. In Athens all officials were forced to undergo such a test.¹⁰ The members of the incumbent Council of the Five Hundred tested those who were chosen as their successors. If any man were rejected by the Council he might appeal to the courts, with which

¹ Aeschines, *Against Ctesiphon*, 27; Aristophanes, *Acharnians*, 724 and Scholium; *Wasps*, 1406; Xenophon, *Symposium*, II, 20; Pollux, X, 177; CIA, II, 141; IV, 2, 192c; IV, 1, 35b; cf. pp. 159, 185.

² *Laws*, 804c.

³ K. J. Freeman, *The Schools of Hellas* (Macmillan, London, 1922), p. 124.

⁴ *Laws*, 813b-814b.

⁵ *Laws*, 764e-765a.

⁶ Aristotle, *op. cit.*, 56.

⁷ *Laws*, 751c-d, 753d, 754d, 755d, 756e, 759c-d, 760a, 763e, 765b-d, 766b, 767d.

⁸ *Ibid.*, 765c-d.

⁹ *Ibid.*, 766b, 767d.

¹⁰ Aristotle, *Constitution of Athens*, 55; Aeschines, *Against Timarchus*, 87; Aristophanes, *Wasps*, 578; Andocides, *On the Mysteries*, 74; Deinarchus, *Against Aristogeiton*, 17, 20; Isocrates, *On the Peace*, 50.

rested the final decision. The archons were in any case forced to undergo the scrutiny both of the Council and of the courts.¹ A substitute was always chosen by lot to be in readiness to take the place of any candidate who failed to satisfy the examiners.²

In both the Platonic and the Athenian states there is an elaborate system for reviewing the actions of officials after they have finished their term. Since the two systems have little in common save their general purpose and the name *euthyni* for the reviewing officers, I shall merely give in a note the principal references to the authorities.³

One of the most interesting of Plato's implied criticisms of Athenian society is his ordinance that oaths shall never be taken in law-suits, nor in any circumstances save by judges, by superintendents of elections and those taking office, by judges of contests in dancing and music, and by judges in games. No one may take an oath in any situation in which perjury might prove profitable. Strangers, however, are exempt from this ordinance when dealing with one another.⁴ No one who has read at all widely in Attic comedy or oratory can fail to recognize the origin of Plato's horror for wide-spread and facile perjury. In this same passage he forbids those who appear in court to resort to appeals to pity either by words or by action. Even in his advanced years he could not forget that nobility of spirit which he has seen in his master, and which he has so worthily represented in the words which he gives to the latter to speak.⁵

The freedom which was, according to the proud boast of Thucydides, accorded to strangers in Athens⁶ is replaced in Plato's state by a careful supervision under the guise of a flattering reception.⁷

II

We now pass from the consideration of the laws relating to the administration of the state to that of the regulations governing family

¹ Aristotle, *op. cit.*, 45, 55.

² Aeschines, *Against Ctesiphon*, 62; Pseudo-Demosthenes, *Against Theocrines*, 29; Harpocration, s.v. ἐπιλαχών.

³ *Laws*, 945b-948b. Cf. 774b, 881c; Aeschines, *Against Ctesiphon*, 17-22, 232; Aristotle, *Constitution of Athens*, 48, 54.

⁴ *Laws*, 948e-949c.

⁵ Plato, *Apology*, 34b-35b.

⁶ Thucydides, II, 39.

⁷ *Laws*, 952d-953e.

life.¹ The uncompromising idealism which abolishes the family in the *Republic* is here manifested in the less severe but more repellent form of a strict paternalism, which far exceeds the degree of surveillance which Athens exercised over the private lives of her citizens. Nevertheless, there are many cases in which Plato's legislation is evidently based upon that of Athens; those cases we must examine.

Plato ordains that every citizen must marry between the ages of thirty and thirty-five or become subject to an annual fine and the loss of those privileges which are accorded by the young to their elders. The fines are to be 100, 70, 60, and 30 drachmas a year for the four classes, taken in the order of wealth. Failure to pay the fine brings a penalty of ten times the amount, which is to be sacred to Hera.² But citizens *may* marry as soon as they reach the age of twenty-five.³ Although certain passages seem to indicate a similar law enforcing marriage before a certain age at Athens, their authority is very dubious.⁴ There probably was such a law at Sparta.⁵

The advantages of a small and fixed number of citizens, each retaining a fixed allotment of land, are to be preserved in the Platonic state by a strict law of succession. The father must choose one of his sons as his heir, and to him alone must bequeath the allotment of land which is the inalienable possession of his family. Plato had, as I have said, realized the evils of continual division of estates, which was a fruitful source of trouble early in Athenian history, but in his remedy

¹ As this article was about to go to press there first became available to me the excellent book by W. G. Becker, *Platons Gesetze und das Griechische Familienrecht* (C. H. Beck, München, 1932), which gives a somewhat more extended treatment than mine of this question. Since, however, mine is an integral part of this paper, I have felt justified in retaining it, especially since my account is confined to Attic law.

² *Laws*, 721b-d, 772d-774e.

³ *Laws*, 772d.

⁴ Plato, *Symposium*, 192b; Plutarch, *On the Love of Offspring*, 493e; Pollux, VII, 40; III, 48. The words of Deinarchus, *Against Demosthenes*, 71, which state that orators and other public men were expected to raise families if they wished to gain popular confidence (cf. Thucydides, II, 44) rather imply that marriage was not legally required. In this matter the silence of the orators as to such a law is eloquent. Cf. the discussion in J. H. Lipsius, *Das attische Recht und Rechtsverfahren* (Leipzig, 1905-15), pp. 341-342.

⁵ Plutarch, *Lycurgus*, 15; *Lysander*, 30; Stobaeus, *Anthology*, LXVII, 16.

he avoided the pitfalls of primogeniture. Those sons for whom the father has no means of making provision and for whom no adoptive father has been found among the childless citizens are to be sent off to the colonies. But a strict control of the number of births is also advised, and in this matter the state is to have a hand. In the case of those who, despite the care and advice of certain state officials, have no children, adoption of the superfluous sons of other families is enjoined. All this lies under the supervision of the supreme rulers. In case of extreme necessity arising from some great disaster the number of families is to be filled from foreign sources.¹

The ordinances concerning inheritance are then repeated in a more detailed form, which I shall now examine, comparing the Platonic provisions with the Attic law upon the subject. I must, however, state that the Attic law itself is extremely involved and bristles with controversial points. I shall discuss only those particulars which seem to have some bearing upon the Platonic provisions.

As I have said, if a citizen of Plato's state make a will, he must first choose an heir to his lot and to all the equipment thereon. The rest of his property he may leave as he pleases among his other sons or daughters, even though the former are to be sent to the colonies in accordance with the law. None who has been adopted to be the heir of another may share in his natural father's estate, and even if he is adopted after inheriting from his father he must surrender to the chosen heir whatever he has received. If one of the superfluous sons already have a house of his own his father shall not leave him money, nor shall he bequeath money to any of his daughters who is betrothed.²

In Athens Solon was the first to allow a citizen to make testamentary disposition of his goods, but then only if he had no legitimate sons.³ If there were several legitimate sons, they were supposed to divide the property in equal shares,⁴ although there were certain exceptions

¹ *Laws*, 740b-741a.

² *Laws*, 923c-e.

³ Plutarch, *Solon*, 21; Demosthenes, *Against Leptines*, 102; Pseudo-Demosthenes, *Against Stephanus*, II, 14; *Against Leochares*, 68. This law seems to have retained its force in the fourth century. Cf. Isaeus, *On the Estate of Philoctemon*, 9; *On the Estate of Menecles*, 13; *On the Estate of Pyrrhus*, 68.

⁴ Isaeus, *On the Estate of Philoctemon*, 25.

which allowed men to leave a larger share to one, or to leave money for the dowry of the widow or for religious purposes.¹

In Plato's state, if the father has daughters but no sons he must adopt one of his sons-in-law as heir and leave the lot to him.² At Athens a father who had only daughters might leave their inheritance to their husbands, apparently with the provision that the inheritance was conditional upon the marriage.³ Unless, however, the son-in-law were adopted he merely held the property in trust for his wife's sons.⁴

Plato does allow the man who has no heirs at all to give one-tenth of his property in excess of his allotment to whom he will. The rest he must leave with the lot to his adopted son.⁵ I can find no similar law at Athens.

Plato agrees with Athenian law in allowing the father to appoint guardians for his minor children in case of his own death.⁶

Plato states that in the event of the death of the father without the appointment of guardians five are to be appointed — the two closest of kin on the father's side, the two closest of kin on the mother's side, and one of the father's friends. The guardians of the law are to make this appointment.⁷ In Athens, in the same circumstances, the nearest of kin of the father were supposed to undertake this duty.⁸ The mother's kinsmen might also serve,⁹ but the father's seem to have been preferred.¹⁰ The Archon at Athens seems to have had the power

¹ Lysias, *On the Property of Alcibiades*, 39 f.; Demosthenes, *Against Aphobus*, I, 5, 42 f.; II, 15; *For Phormio*, 34 f.; Pseudo-Demosthenes, *Against Stephanus*, I, 28.

² *Laws*, 923e.

³ Pseudo-Demosthenes, *Against Macartatus*, 51; Isaeus, *On the Estate of Pyrrhus*, 42, 68; *On the Estate of Aristarchus*, 13.

⁴ Pseudo-Demosthenes, *Against Stephanus*, II, 20; Isaeus, *On the Estate of Ciron*, 31.

⁵ *Laws*, 924a.

⁶ *Laws*, 924a-b. For the Athenian custom see Demosthenes, *Against Aphobus*, I and II, and in particular II, 14-16.

⁷ *Laws*, 924b. I omit the elaborate instructions as to the composition and procedure of the committee of the guardians in charge of this matter, 924b-c.

⁸ The sole direct statement of this fact is found in the hypothesis of Isaeus's oration *On the Estate of Aristarchus*. But cf. also Isaeus, *On the Estate of Cleonymus*, 9; *On the Estate of Dicaeogenes*, 10; Aristotle, *Constitution of Athens*, 56.

⁹ Isaeus, *On the Estate of Dicaeogenes*, 10; *On the Estate of Ciron*, 42. These may be cases of appointed guardians.

¹⁰ Lipsius, *Attisches Recht*, p. 525, n. 21, gives a long list of cases in which the father's kinsmen served.

and duty to see that a proper guardian was appointed for orphans, since the latter were under his protection.¹ The number of guardians was not fixed in Attic law, but in most cases there were several.² In case of the death of a guardian, Plato provides that the kinsmen on both sides to the degree of cousins shall appoint another within ten days on pain of fine.³ At Athens this duty would probably have fallen to the Archon, if another guardian were needed.

The ancients, in their desire to preserve the unity of the family and of the family's property, made it customary for an heiress to marry her nearest kinsman. Plato gives the following order in which the claims of kinsmen who have no lot of their own and are otherwise eligible are to be preferred when the hand of an heiress is at disposal. 1. Brothers or half-brothers (on either father's or mother's side) of the dead father. 2. Sons of brothers or half-brothers of the father. 3. Sons of the sister of the father. 4. Uncle of the father. 5. Sons of the uncle of the father. 6. Sons of the aunt of the father. In carrying back the relationship the males of one generation are to have preference over the females of the same generation. If the search is carried as far as the grandsons of the father's brother and as far as the grandfather's grandsons — i.e., the first cousins of the deceased — without effect, the heiress may make her own choice of any willing and eligible male citizen, who with the consent of her guardians may marry her and become her father's heir. There are to be careful physical examinations of the pair by the state, to determine their fitness for matrimony.⁴ When a man dies and leaves no heirs a man and a woman of his family are to marry and take possession of his lot. The first available male is to be chosen from the ordered list which has already been given for the kinsmen of heiresses; the preferential list of women follows. 1. Sister of the deceased. 2. Deceased's brother's daughter. 3. Deceased's sister's daughter. 4. Deceased's father's sister. 5. Daughter of deceased's father's brother. 6. Daughter of deceased's father's sister.⁵ This order corresponds, it will be observed, exactly to that on the male side.

¹ Pseudo-Demosthenes, *Against Macartatus*, 75; Aristotle, *Constitution of Athens*, 56.

² Cf. the list of cases given by O. Schulthess, *Vormundschaft nach Attischem Recht* (Freiburg, 1886), pp. 77-78.

³ *Laws*, 766c-d.

⁴ *Laws*, 924e-925c.

⁵ *Laws*, 925c-d.

If we turn to Athenian law upon the subject, we find that when a father died intestate and left an heiress her male kin had claims upon her hand in the same order as that in which they had claim upon the estate of an heirless intestate.¹ That order is as follows: 1. Brothers of the deceased by the same father and their children, the latter taken by families and not individually. 2. Sisters by the same father and their children, by families. 3. Brothers of the father of the deceased and their children and grandchildren. 4. Sisters of the father of the deceased and their children and grandchildren. 5. Brothers of the deceased by the same mother and their children, by families. 6. Sisters of the deceased by the same mother and their children. 7. Brothers of the mother of the deceased and their descendants. 8. Sisters of the mother of the deceased with their descendants.² The close similarity between the Platonic and the Athenian systems needs no comment. The chief difference is that Plato makes no distinction between those half-brothers who are the sons of the same father and those who are the sons of the same mother, and that he does not make plain the position of the mother's kindred in the succession, unless we are to understand the obscure phrase concerning the prior rights of males to refer to a similar preference to that seen in the Athenian system.³

We turn now to the question of relationships between parents and children and the state. As soon as children are born, Plato tells us, they must be registered on the rolls of their phratry.⁴ This is surely a reflection of the Athenian custom. On the third day of the festival of the Apaturia fathers presented their sons to the phratry and inscribed their names on the rolls. The question of the age at which this was done is much disputed because of contradictory evidence which places it from a few days to several years after the birth of the

¹ Isaeus, *On the Estate of Aristarchus*, 4-5; *On the Estate of Pyrrhus*, 71-74; Andocides, *On the Mysteries*, 117-119.

² Pseudo-Demosthenes, *Against Macartatus*, 51; Isaeus, *On the Estate of Hagnias*, 1-2. These are the two chief sources for our knowledge of this law. The corrupt state of the text in the first passage and the suspicions attaching to Isaeus have led to much discussion. I have adopted what are essentially the views of Lipsius, *Attisches Recht*, pp. 552-559, and of L. Beauchet, *Histoire du droit privé de la république athénienne* (Paris, 1897), III, pp. 500-559.

³ *Laws*, 925a.

⁴ *Laws*, 785a-b.

child, but the registration was essential to establish a child's position in family and state.¹

The question of adoption in the Platonic state has been several times mentioned in connection with the problems of inheritance and the preservation of the number of the lots.² At Athens adoption might take place during the lifetime of the adoptive father,³ through his will,⁴ or through a legal action by which the nearest of kin of an heirless intestate was posthumously given the position of his son.⁵

The power of betrothal is given to the father of the maiden in the *Laws*,⁶ as was, of course, the rule in Athens.⁷ In case of the father's death, Plato names in order the grandfather (probably the paternal one is meant) of the maiden, her brothers by the same father, and, last of all, her mother, as empowered, each in the absence of the previous member of the list, to betroth her. In case all these are dead, the nearest of kin and her guardians shall have the duty and power.⁸ At Athens the order is slightly different, namely, father, brothers by the same father, paternal grandfather, and then the nearest of kin or the guardian. The mother has no legal power in the matter.⁹

Plato's attempt to abolish dowries altogether, save for a small allowance for dress, varying in amount according to the property class to which the father belonged,¹⁰ is perhaps a reflection of a similar ordinance of Solon.¹¹

¹ Isaeus, *On the Estate of Ciron*, 19; Demosthenes, *Against Eubulides*, 54; insc., 'Εφημερίς Ἀρχαιολογική, 1888, p. 1, and *ibid.*, p. 6, ll. 115 ff.; *Etymologicum Magnum*, s.v. Ἀπατορία; Suidas, s.v. Ἀπατορία.

² See pp. 133, 141-143.

³ Isaeus, *On the Estate of Meneclēs*, 10 ff.; *On the Estate of Apollodorus*, 13 ff.; Demosthenes, *Against Spudias*, 3.

⁴ Isaeus, *On the Estate of Aristarchus*, 9 f.; *On the Estate of Philoctemon*, 6 f.

⁵ Isaeus, *On the Estate of Apollodorus*, 31; *On the Estate of Hagnias*, 49; Pseudo-Demosthenes, *Against Leocrates*, 43; *Against Macartatus*, 11.

⁶ *Laws*, 774e.

⁷ Pseudo-Demosthenes, *Against Stephanus*, II, 18.

⁸ *Laws*, 774e.

⁹ Pseudo-Demosthenes, *loc. cit.*; *Against Leocrates*, 9, 49; Demosthenes, *Against Boeotus*, II, 7; Isaeus, *On the Estate of Meneclēs*, 2 f.; *On the Estate of Pyrrhus*, 45; *On the Estate of Apollodorus*, 9.

¹⁰ *Laws*, 742c, 774c-d.

¹¹ Plutarch, *Solon*, 20.

Plato permits a father to provide in his will for the adoption of one of his sons by another citizen.¹ The same custom also prevailed at Athens, where, apparently, the father might perform such an act either in person or through his will.²

One of the most interesting of the questions on which Plato legislates in regard to the family is that of the status of children born as the result of a liaison between a slave and a free person. If a female slave have a child by another slave, by a freedman, or by a citizen, the child shall be the slave of the mother's owner. If a female citizen have a child by a slave, the child shall be the slave of its father's master. If a female slave bear a child to her master, the guardians of the law shall send the child and its mother into exile. Similarly, if a female citizen have a child by her own male slave, the women who superintend marriage shall send father and child into exile.³ The question of the status of such children in Athens is not revealed by any extant authority. Beauchet has an interesting and rather brilliant discussion of the matter, but since he has really not a shred of evidence to support his views we can scarcely accept them as certain, even though he says that they are 'trop rationnelles pour n'avoir pas été admises par le droit attique.' He cannot, of course, deny that the children of parents who were both slaves always inherited the status of their parents. He does feel that Plato's provisions, which may be summarized as stating that the child of a mixed marriage took the station of the parent who had the lower rank, are too severe to have been the Attic law.⁴ He must admit, however, that the law of Pericles denying citizenship to all who were not offspring of Athenian parents on both sides presents a powerful analogy.⁵ Indeed, it has direct application to the citizenship of the children of mixed marriages. The passage from Aristotle's *Politics* which he quotes to prove that Attic law was once milder proves equally well that — if the reference be to Athens — it was more severe before Aristotle's day, for it states that as the population of cities increased they excluded from citizenship first the

¹ *Laws*, 923c.

² Isaeus, *On the Estate of Apollodorus*, 25; *On the Estate of Astyphilus*, 33.

³ *Laws*, 930d-e.

⁴ L. Beauchet, *Histoire du droit privé de la république athénienne*, II, pp. 405-409.

⁵ Aristotle, *Constitution of Athens*, 26.

children of either male or female slaves, secondly those whose mothers alone were citizens, and finally all who were not the children of two citizens.¹ Although, as I have said, there is no direct evidence, I feel very strongly, because of these analogous passages, that Plato's law on the matter, with the exception of the exile of the last two classes, is very probably a copy of Athenian law.

Disinheritance was an act so severe and so rare that no example of it is known to have occurred at Athens.² One trustworthy writer, however, implies a law of Solon allowing a father to disown his son if the latter were persistently disobedient or undutiful.³ Plato certainly provides for such a measure, although it must be carried out only with the approval of more than half the members of a family council.⁴

Plato's provisions for the protection of parents against injury or neglect on the part of their children seem to have been influenced by Attic law. The parent, or, in case of the parent's inability, any citizen, may bring suit against the undutiful child. The complaint shall be made before a board composed of the three eldest guardians and the three eldest women in charge of marriage. This board has jurisdiction over all men below thirty years of age and over all women below forty, with power to punish with stripes or imprisonment. Any offenders above the ages stated are to be tried before a court composed of the one hundred and one eldest citizens. This court shall determine the penalty, and none can be too severe. Rewards or punishments are appointed for all who give or who fail to give information in such matters.⁵ Elsewhere in the *Laws* Plato speaks of perpetual exile and ceremonial impurity as the punishment of those found guilty of this crime.⁶ In Athens any citizen might accuse a man of maltreatment of his parents.⁷ Lysias implies that the penalty was death, Xenophon and Diogenes Laertius that it was disfranchisement.

¹ Aristotle, *Politics*, III, 3 (1278a).

² Lipsius, *Attisches Recht*, p. 503.

³ Dionysius of Halicarnassus, *Roman Antiquities*, II, 26.

⁴ *Laws*, 929a-c.

⁵ *Laws*, 932a-d.

⁶ *Laws*, 881d.

⁷ Lysias, *Against Agoratus*, 91; Isaeus, *On the Estate of Ciron*, 32; *On the Estate of Cleonymus*, 39; Demosthenes, *Against Timocrates*, 107; *Philippic IV*, 40; Lycurgus, *Against Leocrates*, 147; Aeschines, *Against Timarchus*, 28; Xenophon, *Memorabilia*, II, 2, 13; Aristophanes, *Birds*, 757, 1357; Diogenes Laertius, I, 55; Aelian, *History of Animals*, IX, 1.

Plato directs that if a son feel that his father is no longer capable of administering his property he is to obtain the advice and consent of the eldest guardians of the law and then to bring a suit moving that his father be declared of unsound mind — *δίκη παρανοίας*. The guardians are to be his advocates and witnesses when the case is tried before a court, the nature of which is not specified. If the father is found incompetent he is henceforth deprived of all control of his property.¹ Such suits had exactly the same name at Athens; they were tried before a heliastic court.²

The Platonic law upon divorce is much more strict and much more fair to women than was that of Athens. Plato makes divorce dependent upon the decision of ten of the guardians chosen from those who represent a medium of age in the whole board and of ten of the women in charge of marriage. This court is to determine whether the man and wife are absolutely incompatible and irreconcilable. If such is found to be the case, they are to be allowed to separate and the court must find new mates for them if possible.³ In Athens a man might send his wife home with her dowry without legal action.⁴ For the wife, however, divorce was much more difficult, and was possible only with the aid of her former legal protector and the Archon, before whom a writ of divorce had to be introduced and successfully defended.⁵ Divorce by mutual consent seems also to have been possible.⁶

Plato provides that relatives who feel that orphans are being neglected by guardians may bring the latter to trial before the court of select judges. Orphans who feel that they have been misused may bring a similar suit within five years after reaching their majority.

¹ *Laws*, 929d-e.

² Aristotle, *Constitution of Athens*, 56; Aeschines, *Against Ctesiphon*, 251; Xenophon, *Memorabilia*, I, 2, 49. Cf. Lipsius, *Attisches Recht*, p. 356; Aristophanes, *Clouds*, 844 ff. Lipsius, *op. cit.*, p. 356, n. 60, considers the famous story of the suit brought against Sophocles a comic invention.

³ *Laws*, 929e-930a.

⁴ Lysias, *Against Alcibiades*, I, 28; Pseudo-Demosthenes, *Against Neaera*, 51 ff., 82 ff. Cf. Lipsius, *Attisches Recht*, p. 486.

⁵ Demosthenes, *Against Onetor*, I, 17, 26, 31; Isaeus, *On the Estate of Pyrrhus*, 78. Andocides, *Against Alcibiades*, 14, states that the wife of Alcibiades was forced to go to the Archon without her legal protector. Plutarch, *Alcibiades*, 8, says that this was an illegal action.

⁶ Isaeus, *On the Estate of Meneclides*, 7 ff.; Plutarch, *Pericles*, 24.

The penalty is a heavy fine. Guardians of the law who are guilty of dishonesty and of neglect of the orphans under their care are to pay a fine and lose their office as well.¹ At Athens the charge of neglect or injury of an orphan was tried before the Archon.² The accuser was not required to deposit any surety and he was not subject to a fine if he failed to obtain one-fifth of the votes of the jury for a verdict of guilty.³ The accused, if found guilty, was fined.⁴ In Plato the accuser was given one-half of the four-fold damages; it seems likely that when the case at Athens took the legal form known as a *phasis* half of the fine was given to the accuser.⁵

III

In the matter of religious law, the influence of Attic usage upon Plato, while not inconsiderable, is not so strong as in some other spheres. I have already noticed⁶ the fact that the assignment of cult divinities to each of the tribes is reminiscent of a similar provision on the part of Cleisthenes.⁷ Plato also follows the lead of Cleisthenes in refusing to destroy the old religious rites,⁸ and in retaining hereditary priesthoods,⁹ of which a certain number existed in Athens, notably those of the Eumolpidae and the Coryces at Eleusis.¹⁰

In the Platonic state some of the priests are to be chosen by lot, some by vote.¹¹ The former was probably the more common method

¹ *Laws*, 928b-d.

² Aristotle, *Constitution of Athens*, 56. The question of procedure is a complicated one, on which much evidence is available. Cf. Lipsius, *Attisches Recht*, pp. 344-353.

³ Isaeus, *On the Estate of Pyrrhus*, 47.

⁴ Pseudo-Demosthenes, *Against Macartatus*, 75; Isaeus, *loc. cit.*; Demosthenes, *Against Pantainetus*, 46.

⁵ Cf. Lipsius, *Attisches Recht*, p. 315, n. 23. It should be noticed, however, that Lipsius is influenced by the very passage in the *Laws* with which we are dealing.

⁶ *Supra*, pp. 134 f.

⁷ *Laws*, 738d, 745d-e; Aristotle, *Constitution of Athens*, 21.

⁸ *Laws*, 738b-d; Aristotle, *loc. cit.*, by implication.

⁹ *Laws*, 759a-b; Aristotle, *op. cit.*, 42.

¹⁰ CIA, IV, 1, p. 4, col. 6, l. 23; Aristotle, *op. cit.*, 39. Cf. P. Foucart, *Les grandes mystères d'Eleusis, Mémoires de l'Institut National de France, Académie des Inscriptions et Belles Lettres*, t. 37 (Paris, 1904), pp. 1-23.

¹¹ *Laws*, 759b.

at Athens.¹ An examination of the candidates to determine their fitness for office was regular in Athens and was adopted by Plato.²

Plato also institutes a number of interpreters of sacred matters,³ whose election is carried out in a very complicated manner with the aid of the Delphic oracle. Their relationship to the rather mysterious Athenian officials of the same name, of whom there seem to have been three groups, has been much debated.⁴ One of the Athenian groups, called *Pythochrestai*, would seem, from their name, to have been connected with the Delphic oracle. Among the duties of the interpreters which Plato mentions is that of superintending arrangements for funeral rites.⁵ We have evidence in the orators that the Athenian officials had a similar function.⁶

Plato provides for the election and examination of six treasurers of the property, crops, and revenues of the various temples. All of these men must be chosen from the first property class.⁷ Aristotle tells us that at Athens there were ten Treasurers of Athena, chosen by lot, one from each tribe, from the Pentacosiomedimni in accordance with a law of Solon, although the property requirement was merely nominal. These Treasurers had charge of all the revenues of the Goddess, including the oil from the sacred olive trees.⁸ In 434 B.C. there were instituted ten Treasurers of the Other Gods, chosen in the same way, and intended to perform similar duties. In 406 the two colleges were united under the title of Treasurers of the Gods.⁹ Plato's single college is, therefore, true to the Athenian usage of his own day.

¹ Aristotle, *Constitution of Athens*, 57; Pausanias, VII, 27, 3; Dittenberger, *Sylloge Inscriptionum Graecarum*, 911; CIG, II, 622, 567b; Demosthenes, *Against Eubulides*, 46-47. Cf. P. Stengel, *Die Griechischen Kultusaltertümer* (C. H. Beck, Munich, 1920), pp. 44-45.

² *Laws*, 759c; Demosthenes, *loc. cit.*

³ *Laws*, 759d-e.

⁴ Cf. P. Ehrmann, *De Iuris Sacri Interpretibus Atticis* (Giessen, 1908).

⁵ *Laws*, 958d.

⁶ Isaeus, *On the Estate of Ciron*, 39; Pseudo-Demosthenes, *Against Evergus and Mnesebulus*, 68-71.

⁷ *Laws*, 759e-760a.

⁸ Aristotle, *Constitution of Athens*, 47, 60. Cf. *ibid.*, 7, 8. Cf. CIA, I, 117-175, for the accounts of these officers during the fifth century.

⁹ I have adopted the views of W. S. Ferguson, *The Treasurers of Athena* (Harvard University Press, 1932), pp. 3-7 and 104-106. The numerous sources in the

The citizen who is found guilty of temple-robbery, or of other acts of extreme violence against the gods, his parents, or the state, is condemned by Plato to be executed and to have his body cast beyond the borders of the land.¹ At Athens the penalty for temple-robbery was death, confiscation of property, and burial beyond the borders of Attica.² The parallelism needs no comment.

Plato's oft-quoted system of punishment for heretics, with its careful gradation of offenses and penalties, is beyond doubt his own invention. Only the death penalty for relapsed heretics,³ is without doubt derived from the Athenian law on the penalty for impiety, although in the latter case an alternative penalty was possible, as we know from the case of Socrates.⁴ Whether Plato's treatment of magic as a form of impiety⁵ is a reflection of Attic law cannot be certain, although there are some passages which suggest this.⁶

IV

The points of resemblance between the provisions for education in the *Laws* and those which we know to have existed in Athens are not very numerous. I have already spoken of the fact that the number of gymnasia in the city of Plato is exactly the same as the number which we know existed in Athens in the Fourth Century.⁷

One of the principal resemblances seems to be that between the two methods of training the young men of the state in military affairs. Plato's plan owes much to the system of the 'secret police' of Sparta, but it has points in common with the Athenian system of training as inscriptions will there be found cited. The chief source for our knowledge of the institution of the second board in 434 is CIA, I, 32. The date of the institution of the united college is based on inference from the language of inscriptions from 405-404 on, where only 'the Stewards' are mentioned, whereas previously a qualifying phrase had been added to these words.

¹ *Laws*, 854e-855a.

² Xenophon, *Hellenica*, I, 7, 22; Lycurgus, *Against Leocrates*, 65.

³ *Laws*, 909a.

⁴ Plato, *Apology*, 36b.

⁵ *Laws*, 909a-c, 933d.

⁶ Demosthenes, *On the False Embassy*, 281; Pseudo-Demosthenes, *Against Aristogeiton*, I, 79; Harpocration, s.v. *Θεωπία*.

⁷ See *supra*, p. 138.

well. I shall first give the Platonic account, and shall then quote from Aristotle's sketch of Athenian practice.

Each tribe, says Plato, is to furnish five wardens or captains of the watch. These officials are, in turn, each to choose twelve young men between the ages of twenty-five and thirty — that is, sixty, in all, to each tribe — and are to form them into a tribal regiment. Each month each tribal regiment is to garrison a different division of the country, that they may come to know it all. The first distribution is to be made by lot; thereafter at the first of each month each regiment is to move on to the division which lies to its right, that is, to the east. (Plato does not seem to have realized or, at least, to have cared, that it is completely impossible to follow the last direction literally.) This is to continue throughout the first year of training. During the second year the regiments move in a similar fashion, but in the opposite direction — counter-clockwise, we should say. At the end of two years new captains and new guards are to be chosen. These regiments are to see to it that each district is properly fortified against attack, using in their labors whatever beasts of burden and laborers they may find at hand, but striving not to interfere with the regular business of the country folk. They are to care for roads, drainage, irrigation, wells, cisterns, and water-courses. They shall build gymnasia for themselves and warm baths for the aged and infirm. They are to eat and sleep together, and may not sleep out save by official permission. They are to have no servants, and must supply all things for themselves. They are to hunt throughout the country.¹

Aristotle gives the following account of the education of the Athenian ephebi: 'When the ephebi have been examined and approved, their fathers, tribe by tribe, having taken oath, select three of their fellow-tribesmen who are over forty years of age and are considered most virtuous and best qualified to have charge of the ephebi, and of these the people elect one from each tribe as superintendent of youth (sophronistes), and from all the Athenian citizens one supervisor over all. These men muster all the ephebi, and, after first visiting all the shrines, lead them to the Peiraeus and keep guard, some at Munichia and some on the shore. Two trainers are elected, and assistants, to teach them how to fight in armor and how to use bows and javelins

¹ *Laws*, 760b-761d, 762b-c, 762e-763c.

and catapults. Each superintendent is given one drachma for his support, each of the ephebi four obols. Each superintendent takes the money of his own tribesmen and buys the provisions for all (for they eat together by tribes) and takes care of all else. So they pass the first year. The second year, at an assembly in the theatre, they display their skill in manoeuvres to the people, and having received each a shield and a spear from the city they patrol the country and do garrison duty in the fortresses. They are on guard duty throughout the two years, wearing military cloaks, and are free from all taxes. They may neither bring suit nor be sued, lest there be any excuse for their leaving their post, except in cases concerning estates and heiresses or when any falls under some ancestral religious duty. When the two years have passed, they join the other citizens.¹

Although, as I have said, there are many Spartan features in Plato's system, including even the use of the name 'secret police,' there are many Athenian features as well. Moreover, this passage bears slightly upon the vexed question of the *sophronistae*. Girard thinks that these officers were very ancient, dating perhaps from the time of Solon.² Wilamowitz thinks that they were not instituted until the reform of the ephebi under Epicrates, about the time of the orator Lycurgus, which is mentioned in a fragment of the latter.³ Their first mention in the inscriptions is in the year 334/3.⁴ They are referred to in the pseudo-Platonic *Axiochus*,⁵ and there are possible references in Aeschines and Demosthenes.⁶ The references in Photius, the *Etymologicum Magnum*, and in Bekker's *Anecdota Graeca*, are apparently all derived from the passage in Aristotle which I have quoted. It seems impossible to prove that these officers were already existent in Plato's day, and that his captains of the watch are derived from them, although there are many resemblances. Wilamowitz has on his side the *argumentum ex silentio*, which is, however, at its best a treacherous weapon. He answers any objections based upon Plato's account by

¹ Aristotle, *Constitution of Athens*, 42.

² P. Girard, *L'Éducation athénienne au V^e et au IV^e siècle avant J.-C.* (Paris, 1889), pp. 42-49.

³ U. von Wilamowitz-Moellendorf, *Aristoteles und Athen*, I, p. 194.

⁴ CIA, IV, 2, 563b.

⁵ Pseudo-Plato, *Axiochus*, 367a.

⁶ Aeschines, *Against Timarchus*, 10; Demosthenes, *On the False Embassy*, 285.

the bold expedient of saying that it was the *Laws* which influenced Athenian legislation in this matter rather than vice-versa. We must, I think, leave the matter still undecided, with the hope that the soil of Athens or the sands of Egypt may yet furnish the decisive evidence.

V

When we turn to the consideration of the military forces of the Platonic state, we find in command a board of generals who bear a certain resemblance to the Athenian officers of the same name. The guardians of the law are to publish a list of nominees for the office, for each of whom a citizen may propose a substitute. A vote shall decide between the rival nominees. Then all of military age or experience shall vote upon the nominees, and the three receiving the largest number of votes shall, if they pass the scrutiny, become generals.¹ The question of the generalship at Athens is rather a vexed one, and Plato here gives us no new light upon it. If we may trust Aristotle,² at the end of the Fourth Century the whole board of ten generals was elected by the people as a whole, whereas at first each tribe had elected its own.³ They were forced to undergo a scrutiny.⁴ Plato next provides for the nomination by the generals of twelve candidates for the position of taxiarch, one for each tribe. The rules governing nomination and election are the same in this case as in that of the generals, save that twelve are elected and only the hoplites are allowed to vote.⁵ At Athens ten taxiarchs were elected, one for each tribe, to lead the tribal regiments and to appoint captains.⁶ The cavalry, says Plato, are to elect two hipparchs, in the same manner as that in which the generals were elected, and they are to have charge of the cavalry.⁷ The people, at Athens, elected two hipparchs, each of whom controlled five tribal regiments of cavalry. Indeed, the hipparchs held in the cavalry a position corresponding to that of the generals in the infantry.⁸ Plato's cavalry are to elect phylarchs—the number is not

¹ *Laws*, 755b-d.

² *Ibid.*, 22.

³ *Laws*, 755d-756a.

⁴ *Laws*, 756a-b. But cf. 755e where it is stated that *all* citizens have part in the election of hipparchs.

⁵ Aristotle, *Constitution of Athens*, 61.

⁶ *Ibid.*, 55.

⁷ Aristotle, *op. cit.*, 61.

⁸ Aristotle, *Constitution of Athens*, 61.

specified.¹ At Athens there was a phylarch elected to the command of each tribal cavalry regiment, corresponding to the taxiarchs in the other branch.² Apparently, although Plato makes no specific statement, he intends all these officers to serve a year, as did their Athenian counterparts. Plato's generals have the power to appoint their own minor subordinates;³ at Athens, Aristotle tells us, the taxiarchs chose their own captains,⁴ but Polyænus implies that the generals often had the power of appointing these and other subordinates.⁵

Military service is required by Plato of all citizens between twenty and sixty years of age. Women who have borne children may be required to do such service as is possible for them up to their fiftieth year.⁶ At Athens the age-limit for military service began with the eighteenth and ended with the sixtieth year, but the first two years were devoted to the training as ephebi which I have described above.⁷

The provisions which Plato makes for the trial and punishment of military offenders bear a strong resemblance to Attic law upon the same subject. Failure to serve is to be prosecuted by a criminal charge (*γραφὴ ἀστρατείας*) before the military commanders upon their return from the campaign in question. The hoplites, cavalry, and other branches of the service are to form separate courts, and each man is to be tried by his peers. He who is found guilty shall never compete for a prize for valor, nor indict another for failure to serve, nor be an accuser in any other military matter. Further punishment and the amount of the fine are to be determined by the court.⁸ The same law applies to cases of desertion and cowardice.⁹ At Athens a suit for failure to serve was called by exactly the same name, and was tried before a court composed of soldiers who had served in the campaign in question under the presidency of the generals assisted by the taxiarchs, if the accused had been a member of the infantry, or by the hipparchs or phylarchs if he had been a cavalryman. The subordinate

¹ *Laws*, 756a.

² Aristotle, *loc. cit.*

³ *Laws*, 756a.

⁴ Aristotle, *loc. cit.*

⁵ Polyænus, *Strategemata*, III, 9, 10.

⁶ *Laws*, 785b.

⁷ Aristotle, *Constitution of Athens*, 53.

⁸ *Laws*, 943a-b.

⁹ *Laws*, 943d.

officers brought the accusation.¹ The penalty was disfranchisement.² In Athens desertion and cowardice were punished by the same measures as failure to serve,³ but Plato, although we have seen that in one place he gives similar regulations, has special instructions for cases in which a man is accused of having cast away his shield — this phrase is also taken from Attic law, as are those for cowardice and desertion. Plato insists that only the clearest proof and the most careful consideration of the circumstances can justify conviction on such a charge, and orders that he who is found guilty shall be forever excluded from military service and heavily fined, and that a fine shall also be imposed upon anyone who ever again admits him to service.⁴ Andocides, in the passage to which I have referred in notes 2 and 3 on this page, states that although such offenders were disfranchised they did not lose their property. Whether this excludes the possibility of a fine cannot be certain, but it seems most likely that the provision for such a punishment originated with Plato.

Before turning to the consideration of Plato's laws on civil and criminal procedure, I wish to make a few remarks upon certain rules for commerce. It may be that the history of Solon's attempts to combat the evils of usury was in Plato's mind when he ordained that no debtor and no one to whom credit had been given in a business transaction was under any legal obligation to repay either principal or interest.⁵ There may be another reminiscence of Solonian legislation in the ordinance that nothing needed within the country may be exported.⁶ The entire supervision of this matter is placed in the hands of the twelve guardians of the law next in age to the five eldest.⁷ This committee may be the Platonic equivalent of the ten wardens of the port who are first mentioned in Athens in the middle of the Fourth Century, and who seem to have had the same function.⁸ This passage

¹ Lysias, *Against Alcibiades*, I, 5; *Against Alcibiades*, II, 1 f.; Demosthenes, *Against Boeotus On the Name*, 17; Xenophon, *Hipparchicus*, I, 9.

² Aeschines, *Against Ctesiphon*, 175; Andocides, *On the Mysteries*, 74.

³ Andocides, *loc. cit.*

⁴ *Laws*, 943e-945b.

⁵ *Laws*, 742c, 849e, 915e; Aristotle, *Constitution of Athens*, 6; Plutarch, *Solon*, 15.

⁶ *Laws*, 847c; Plutarch, *Solon*, 24.

⁷ *Laws*, 847c.

⁸ Aristotle, *Constitution of Athens*, 51; Pseudo-Demosthenes, *Against Lacritus*, 51; *Against Theocrinus*, 8-9; Deinarchus, *Against Aristogeiton*, 10. The same word, ἐπιμεληταί, appears both in the Attic and in the Platonic title.

may, indeed, give 347, the year of Plato's death, as the *terminus ante quem* of their institution.

VI

I come now to the last and greatest division of my subject, that of legal institutions. In no other field is the incompleteness and confusion of the *Laws* more vexing than in this. I have followed in this portion of my paper the general arrangement employed by Schulte in his treatment, since I feel that his is the best method for bringing order into this chaos, but my opinions and my selection of material will be found to differ from his in many ways.

Plato has preserved that distinction between the public and the private case (*γραφή* and *δίκη*) which is fundamental in Athenian law and which resembles rather roughly our division between criminal and civil law. Plato makes this distinction both explicitly ¹ and implicitly by employing the Attic terminology for suits. For the trial of civil cases there are three courts. All cases must first come before a court composed of neighbors or friends of the disputants, chosen by both, and possessing full powers; yet appeal from their decision is possible.² One of the names employed by Plato for these judges is that of *δαιρηταί* or *arbitrators*. There were at Athens two classes of legal officials called by that same name. The private arbitrators were selected by the parties themselves to settle a dispute, and from their decision there was no appeal.³ The public arbitrators were chosen by lot from among the citizens of sixty years of age — the oldest class liable to military service — and assigned individually by lot to the cases at hand. They were compelled to serve, and citizens bringing civil suits were compelled first to submit to their offices of reconciliation and arbitration. From their decision, however, an appeal was possible to the heliastic courts.⁴ Cases involving sums of ten drachmas or less were heard by the court of the Forty, from whose decision there was no appeal.⁵ It seems probable that Plato has combined characteristics of both courts in his arbitrators, making their appointment similar to that of the

¹ *Laws*, 767b.

² *Laws*, 767b, 915c, 920d, 956b-c.

³ Demosthenes, *Against Meidias*, 94.

⁴ Aristotle, *Constitution of Athens*, 53.

⁵ *Ibid.*

private arbitrators at Athens, whereas he gives them the powers of the public arbitrators.

If an appeal is made from the decision of the arbitrators in Plato's state, the case is to be tried before the court of the tribe. There is to be one of these courts for each tribe, its members being chosen by lot.¹ They seem to resemble somewhat the heliastic courts of Athens, although the tribal character, the possibility of appeal, and the confinement of jurisdiction to civil cases have no parallel in Athenian law.

There is to be a third and final court to hear cases appealed from the tribal courts. This is to be composed of one magistrate from each of the various boards, elected by the entire body of magistrates at the new year, and duly scrutinized before their election is ratified.² This court is obviously to a certain degree a reflection of the Areopagus at Athens, which was composed of ex-archons who had passed a scrutiny, but it does not resemble the Areopagus in its powers or in the length of the term of the judges, which seems at Athens to have been for life, and in Plato is obviously for one year.³ It is possible that, as Schulte believes,⁴ the 'common courts' designated for the trial of cases involving more than one mina which come before the wardens of the country are really this third court in disguise.⁵ There is, however, no parallel in Athens.

The law which makes a man liable to a larger fine if he appeals and loses than that to which he would have been liable had he rested content with the decision of the lower court⁶ does not seem to be drawn from Athenian law.

For the trial of cases in which the public interests are involved, Plato makes the following provision. The accusation and the final judgment in such cases must come from the people, but the presidency of the court is to be held by three of the highest state officials, chosen by plaintiff and defendant, or, in case these cannot agree, by the Council, who are to choose one from two proposed candidates (ap-

¹ *Laws*, 768b, 956c.

² *Laws*, 767a, c-d, 768b-c.

³ Plutarch, *Solon*, 19; Pollux, VIII, 118; Pseudo-Demosthenes, *Against Aristogeiton*, II, 5; *Against Neaera*, 80 ff.; Lysias, *On the Sacred Olive Tree*, 22; *Against Evandrus*, 12; Athenaeus, XIII, 566 f.

⁴ J. Schulte, *Quomodo Plato in Legibus publica Atheniensium instituta respexerit*, p. 46.

⁵ *Laws*, 762a-b.

⁶ *Laws*, 956c-d.

parently for each presidential seat; the language is very obscure).¹ It is one of the annoying inconsistencies of the *Laws* that we hear nothing more of this court after its establishment and that public and private cases alike are referred to other tribunals. Nor is there any trace of such a court in Athens.

There seems, finally, to be still another court for the trial of cases involving the death penalty, a court composed of the guardians of the law and the court of final appeal sitting together.² The influence of the Areopagus seems here again evident, although, as is well known, the Areopagus tried only cases of murder and arson.³ The association of guardianship of the laws with both courts is most interesting.⁴

Plato forbids that judges, with the exception of those who give final decisions, shall escape the necessity of rendering account of their actions.⁵ This passage is interesting, for it may throw some light upon the vexed question whether the public arbitrators of Athens were accountable at the end of their term of office.⁶ It is generally agreed that the members of the heliastic courts were not accountable.⁷ Indeed, they correspond to those Platonic judges who give final decisions, for they had that power in Athens.

I have already spoken of the power of certain magistrates to act as judges and impose fines or corporal punishment in minor cases as possibly derived from Attic usage.⁸

That some of the magistrates are to preside over certain courts may perhaps be inferred from three brief allusions in the *Laws*.⁹ It is well known that each of the Athenian higher magistrates had jurisdiction over certain cases.

¹ *Laws*, 768a-b.

² *Laws*, 855c-d.

³ Aristotle, *Constitution of Athens*, 57.

⁴ *Ibid.*, 8.

⁵ *Laws*, 761e.

⁶ The greater weight of the evidence seems against this belief, but I have thought it well to mention it, for this passage in the *Laws* seems never to have been noticed as possible evidence. For a full discussion of the question cf. A. Pischinger, *De arbitris Atheniensium publicis* (Progr. Munich, 1893). Cf. Aristotle, *Constitution of Athens*, 53; Demosthenes, *Against Meidias*, 86 f.

⁷ Aristophanes, *Wasps*, 587; Aeschines, *Against Ctesiphon*, 17 ff.

⁸ See above, p. 138, and below, p. 185.

⁹ *Laws*, 948d, 949a, 958a. The Athenian examples will be found in the subsequent discussion of the various actions.

Plato seems to have recognized in the *Laws* a distinction between cases in which the penalty was established by law and those in which it was left to the discretion of the judges.¹ It was apparently possible for one bringing a suit to propose the amount of the damages.² Moreover, judges might sometimes add to an established or proposed penalty.³ At Athens a similar division of cases existed.⁴

Another example of Plato's borrowing from Attic law seems to be found in his use of the word *δισδικάζειν* when referring to decisions upon the disputed ownership of property.⁵

Plato departs from Attic law in allowing a woman over forty and without a husband to serve as an associate in a case and to bring suit.⁶ At Athens women were always obliged to have a male kinsman or guardian as a legal representative.⁷

The desire to encourage citizens to aid in the preservation of law and order led Plato to follow the Athenian example in offering rewards to those who gave information or brought indictments against law-breakers. He who informs against a citizen who has accumulated a larger amount of property than that permitted by law shall receive half the fine.⁸ If a man under blood-guilt enter market or temple he who hales him and his negligent kinsmen before the judges shall be given the entire fine imposed by the court.⁹ He who reveals the rifler of buried treasure shall, if free, receive recognition of his virtue, if slave, shall be set free at state expense. If a freeman fail to give this information he shall be disgraced; if a slave fail to do so, he shall die.¹⁰ He who brings suit against a guardian who abuses or neglects his charges shall have half the fine.¹¹ He who knows that parents are being ill-used by their children must give information or be disgraced and subject to any man's ill-will. A slave who informs in such a case shall be free.¹² A slave or metic who gives information concerning

¹ *Laws*, 907e, 941a, 956c.

² *Laws*, 915a.

³ *Laws*, 767e, 943b.

⁴ Harpocration, s.v. *ἀτίμητος ἀγών καὶ τίμητος*. I have accepted Lipsius's interpretation, *Attisches Recht*, p. 248.

⁵ *Laws*, 914e; *Lexica Segueriana*, ed. Bekker, V, p. 236.

⁶ *Laws*, 937a.

⁷ Isaeus, *On the Estate of Pyrrhus*, 2-3; Scholium on Aristophanes, *Knights*, 969.

⁸ *Laws*, 745a.

⁹ *Laws*, 868a-b.

¹⁰ *Laws*, 914a.

¹¹ *Laws*, 928b-c.

¹² *Laws*, 932d.

fraudulent wares in the market-place shall be given the goods in question; a citizen shall, in the same circumstances, give information upon penalty of disgrace, and if his charge be sustained, he shall dedicate the goods in question to the gods of the market.¹ At Athens, if anyone, citizen, metic, or slave, gave information (*μήνυσις*) concerning offenses against the state he was often rewarded with money, or, in the case of the slave, with his freedom.² The penalty for laying false information was death.³ It is particularly interesting that in the form of action known as *φάσις*, which seems originally to have been used only in cases involving public financial interests but which later was employed in cases in which guardians were accused of neglecting their charges, it was customary that the accuser receive half the fine.⁴ It will be noted that the two cases in which Plato offers this reward are those involving a question of financial obligation to the state⁵ and the neglect of orphans.⁶ The entire question of rewards for information against law-breakers in the *Laws* and at Athens has been carefully discussed by E. Ziebarth.⁷

To the summons of the defendant by the plaintiff and to the witnesses to that summons Plato makes only a passing reference, leaving such small matters to the discretion of the citizens,⁸ although it is clear that he expects these institutions to exist in his state as they did in Athens.⁹ He evidently intended that the plaintiff should present a written accusation and the defendant a written refutation, without

¹ *Laws*, 917d.

² Antiphon, *On the Murder of Herodas*, 34; Lysias, *On the Sacred Olive Tree*, 16; *For Callias*, 5.

³ Andocides, *On the Mysteries*, 20.

⁴ Pollux, VIII, 47 f.; Pseudo-Demosthenes, *Against Theocrinus*, 13; CIA, II, 17, 203b, 546; Demosthenes, *Against Nausimachus and Xenopeithes*, 23; Harpocration, s.v. *φάσις*. I have explained above, p. 149, that the question whether half the fine was given to the accuser in cases involving orphans is debated, and that the relevant passage in Plato has been used as evidence.

⁵ *Laws*, 745a.

⁶ *Laws*, 928b-c.

⁷ E. Ziebarth, *Popularklagen mit Delatorenpraemien nach griechischem Recht, Hermes*, XXXII (1897), pp. 609-612.

⁸ *Laws*, 846b-c.

⁹ Aristophanes, *Birds*, 1046, 1425; Demosthenes, *Against Meidias*, 87. These are only two of the numerous references given by Lipsius, *Attisches Recht*, p. 804, n. 1; p. 805, n. 2.

oaths, to the proper authorities.¹ At Athens the same custom was observed.² It is interesting to observe that Plato's use of *δίκην λαγχάνειν* of the accuser is exactly parallel to the Attic usage. At Athens, however, both parties were obliged to take oath as to the truth of their statements.³ Plato, as we have seen, realizing that under such conditions perjury was almost unavoidable, has abolished the oath.⁴

Although there is no specific description of such a preliminary hearing before magistrates as the *ἀνάκρισις* at Athens, there are in the *Laws* certain references to the word and its cognates which make it probable that Plato had some such provision in mind;⁵ nevertheless it seems that he planned to fuse the preliminary examination and the trial.⁶ For a complete account of the *ἀνάκρισις* at Athens, with its examination of evidence on both sides and preparation of the case for trial, I must refer my readers to Lipsius, *Attisches Recht*, pp. 829-844.

Plato's regulations concerning witnesses, although differing in certain important particulars, show, none the less, a close imitation of Athenian usage. Not only male citizens, but women as well, who are over the age of forty, may serve as witnesses in Plato's state. A slave of either sex or a child may give evidence in murder cases alone, provided that he or she give sufficient surety of remaining until the trial, in the event of a charge of bearing false witness.⁷ In Athens every free adult male was competent to serve as witness.⁸ Slaves were accepted as witnesses only against those accused of murder;⁹ in other cases the testimony of slaves was accepted only when given under torture.¹⁰

¹ *Laws*, 948d.

² Lysias, *Against Pancleon*, 5, 10; Lysias, *Against Andocides*, 11; Demosthenes, *Against Meidias*, 47; *Against Stephanus*, I, 45.

³ Isocrates, *Against Callimachus*, 37; Isaeus, *On the Estate of Astyphilus*, 34; Antiphon, *Against the Stepmother*, 8.

⁴ *Laws*, 948d-949c. See above, p. 139.

⁵ *Laws*, 766d-e, 879e.

⁶ *Laws*, 855e.

⁷ *Laws*, 937a-b.

⁸ As far as I can discover, the statement of this fact in Lipsius, *Attisches Recht*, p. 873, is based upon inferences drawn from general evidence rather than upon any specific statement.

⁹ Antiphon, *On the Murder of Herodas*, 48. I think that Lipsius, *op. cit.*, p. 873, n. 29, sustains his contention as to the validity of this passage against the denials of R. J. Bonner, *Evidence in Athenian Courts* (Ph.D. Diss. Chicago, 1905), pp. 34-36.

¹⁰ In this matter, which is extremely complicated, I have followed the conclusions of Lipsius, *Attisches Recht*, pp. 873-874, 797-799, 888-895. The principal ancient

Apparently women and children were allowed to testify in murder cases.¹ Lipsius holds that the ordinance in the *Laws* on the right of children and slaves to testify in murder cases is worthless as evidence on Attic law because of the addition of the right of serving as associates in such cases and because of the further demand for surety. He also believes that the permission for women to give evidence militates against belief in an Athenian influence.² Schulte believes that the provision for surety is drawn from Attic law.³ In the lack of evidence, probability seems to be upon the side of Lipsius. Plato was probably in agreement with Attic law in forbidding him who bears witness to serve as judge in the same case.⁴

If a man refuse to appear as a witness, Plato provides that he shall be summoned and shall either come and give evidence or else swear by Zeus, Apollo, and Themis that he knows nothing, in which case he is allowed to depart. If he refuse to heed the summons he is liable to suit — a *δίκη βλάβης*.⁵ He who was summoned as witness at Athens was supposed to confirm the facts stated by the party whose witness he was or to declare on oath that he was ignorant of them.⁶ He who refused either to give evidence or to take oath as to his ignorance was liable to prosecution on a *δίκη βλάβης*⁷ or a *δίκη λιπομαρτυρίου*.⁸

Plato provides that actions for bearing false witness must be brought before the final decision is given in the main case, but the accusations are to be made in writing and are to be held by the rulers under the seals of both parties until a trial of the charge of bearing false witness, *ψευδομαρτυρίων*. This trial is, apparently, to be a separate action from that of the main case.⁹ Athenian law upon this subject provided that

sources are: Lysias, *On the Sacred Olive Tree*, 37; Demosthenes, *Against Onetor*, I, 36; Pseudo-Demosthenes, *Against Nicostratus*, 24; Isaeus, *On the Estate of Ciron*, 12; Harpocration, s.v. *βλάσιν*.

¹ Pseudo-Demosthenes, *Against Euergus and Mnesibulus*, 69, 73.

² *Laws*, 937a-b; Lipsius, *op. cit.*, p. 874, n. 32.

³ J. Schulte, *op. cit.*, p. 51.

⁴ *Laws*, 937a. There is no direct evidence on the Attic law, but the assumption is made by Lipsius, *op. cit.*, p. 876.

⁵ *Laws*, 936e-937a.

⁶ Pseudo-Demosthenes, *Against Stephanus*, I, 60; Pollux, VIII, 55.

⁷ Pseudo-Demosthenes, *Against Timotheus*, 20.

⁸ *Ibid.*, 19.

⁹ *Laws*, 937b.

such suits, *δίκαι ψευδομαρτυριῶν*, should be brought before the final vote of the judges in the main case had been taken.¹ That the trials were separate seems clear from Aristotle's words and from those of the pseudo-Demosthenes.² Exception to this rule was made in the cases in which a penalty of death, of sale into slavery, or of complete disfranchisement was involved.³

He who in Plato's state has been twice convicted of having borne false witness is not compelled, he who has been thrice convicted is not allowed, to give evidence. He who, having been thrice so convicted, does so, may be accused by any citizen before the magistrates, who will hand him over to the court for trial. Conviction is to be followed by the death penalty.⁴ Conviction of having borne false witness was followed at Athens by a fine determined by the judges between the two amounts proposed by the plaintiff and by the defendant. The plaintiff received the fine.⁵ He who was thrice convicted of such a crime suffered total disfranchisement, and was thus effectively barred from the right to testify.⁶ Accordingly, those who had twice been found guilty of the offense could not be compelled to give witness, lest they incur the danger of the final punishment.⁷

Finally, Plato orders that if more than half of the witnesses on the victorious side are proved false, the verdict shall be set aside and an investigation made of the extent to which the decision has been influenced by the false testimony. The results of this investigation shall decide the case.⁸ That Attic law allowed such an investigation in certain cases seems assured.⁹ It is not known whether the presence of

¹ Aristotle, *Constitution of Athens*, 68.

² Pseudo-Demosthenes, *Against Euergus and Mnesibulus*, 49.

³ Demosthenes, *Against Timocrates*, 131. Cf. Lipsius, *Attisches Recht*, p. 781.

⁴ *Laws*, 937b-c.

⁵ Antiphon, *Tetralogy*, I, 8, 7; Pseudo-Aristotle (Anaximenes of Lampsacus), *Rhetorica ad Alexandrum*, 1431b; Demosthenes, *Against Meidias*, 47; *Against Timocrates*, 63; Pseudo-Demosthenes, *Against Neaera*, 16; Aeschines, *Against Timarchus*, 32. Cf. Lipsius, *Attisches Recht*, pp. 253 f., 782-783.

⁶ Andocides, *On the Mysteries*, 74.

⁷ Hypereides, *Against Philippides*, 12.

⁸ *Laws*, 937c-d.

⁹ Harpocration, s.v. ἀναδικάσασθαι. Theophrastus, Schol. on *Laws*, 937c-d, says that among the cases in which such a retrial was possible were *δίκαι ψευδομαρτυριῶν* and *κλήρων* and *γραφαὶ ξενίας*.

one false witness was enough to invalidate a verdict,¹ or whether several,² or, as in Plato, more than half the witnesses had to be proved false. In cases in which a charge of false witness was not allowable or practicable, the man who had produced the false witnesses might be sued on a charge known as a *δίκη κακοτεχνίων* which amounted to a charge of conspiracy.³

Plato uses the same term, *εἰσάγειν*, for the action of magistrates in bringing a case to trial, that is found in Athenian law.⁴ Another instance of such similarity between Plato and Attic law is found in the use of the terms *κλήρωσις* (choice of jurors by lot) and *πλήρωσις* (filling of the panel).⁵

Plato would allow the existence of advocates, *συνήγοροι*, but with careful supervision to prevent litigiousness.⁶ The Athenian practice of calling in friends to take a small or large part in one's plea, usually on the side of the defense, is well known from the classic instance of the appearance of Demosthenes for Ctesiphon in the *cause célèbre* which produced the *De Corona*.⁷

In one particular of court procedure Plato differs from Attic usage to a marked degree. He states that judges shall give their votes openly,⁸ whereas at Athens the votes were secret.⁹ Plato's sneers at the practice of secret balloting may be directed against his native city.¹⁰

We turn now to the consideration of individual crimes, their trial, and their punishment. Plato feels that the two greatest offenses are

¹ Isaeus, *On the Estate of Hagnias*, 45, seems to imply this in regard to testamentary cases, but the matter cannot be certain.

² Isaeus, *On the Estate of Dicaeogenes*, 13-15. The evidence of the scholium quoted on p. 164, n. 9, which says that at least half the witnesses must be proved false, is obviously derived from Plato. Cf. Lipsius, *Attisches Recht*, pp. 957-960.

³ Pseudo-Demosthenes, *Against Euergus and Mnesibulus*, 1; *Against Timotheus*, 56.

⁴ *Laws*, 907e. Cf. Lipsius, *Attisches Recht*, p. 55.

⁵ *Laws*, 956e; Pollux, VIII, 148; Lysias, *Against Evandrus*, 6; Demosthenes, *Against Timocrates*, 92. These are only a few of the examples cited by R. Förster, *κληροῦν und πληροῦν τὰ δικαστήρια*, *Rheinisches Museum*, N. F., XXX (1875), pp. 284-287.

⁶ *Laws*, 937a, 937e-938b.

⁷ Cf. Lipsius, *Attisches Recht*, pp. 906 ff.

⁸ *Laws*, 767d, 855d.

⁹ Demosthenes, *On the False Embassy*, 239; Lysias, *Against Eratosthenes*, 91.

¹⁰ *Laws*, 876b.

those of violence against the gods and against the state. We have already considered the punishment of those convicted of the crime against the gods.¹ Plato directs that whoever raises a tyrant or arouses faction and sedition in the state shall be judged by the same judges as those who judge temple robbers, and shall be tried in the same manner (which is not clearly described). If a majority of the judges find them guilty they shall be condemned to death. This punishment is not to be extended to the children of the criminal unless his father, grandfather, and great-grandfather have all been executed by the state. Such children the state shall send to the country from which their ancestors came, and shall allow them to take with them all their possessions save their lot, for which an heir shall be found from among the superfluous sons of the citizens.² In Athens also the punishments for sacrilege and treason were the same, although they were tried by different courts. Condemnation entailed execution, burial without the borders of Attica, and confiscation of goods.³ There is a hint in Plutarch's *Moralia* that disfranchisement sometimes fell upon the children of such criminals.⁴ This may explain Plato's careful specifications concerning the degree to which the children are to be subject to punishment in such cases.

The ordinances upon theft in the *Laws* are more humane and more simple than those of Athens. We learn in Aristotle's *Problemata*⁵ that one who stole anything in a public place — bath, palaestra, market, haven, or any similar locality — might be subjected to the death penalty, whereas he who stole from a private house was forced to pay a fine of double the value of the stolen object. The plaintiff might bring either a private or a public suit. There seem, however, to have been limitations to the freedom of choice.⁶ Plato sweeps all this aside by decreeing that for all theft, small and great, the guilty party must pay a fine of double the value of the stolen property. If he cannot do this, he must remain in bonds until he can persuade the injured party,

¹ Cf. *supra*, p. 151.

² *Laws*, 856b-e.

³ Xenophon, *Hellenica*, I, 7, 22. Cf. Thucydides, I, 138.

⁴ Pseudo-Plutarch, *Lives of the Ten Orators*, 833a.

⁵ Aristotle, *Problemata*, 29, 14 (952a).

⁶ Demosthenes, *Against Androtion*, 25 f. For a full discussion of the possibilities for the choice of procedure, cf. Lipsius, *Attisches Recht*, pp. 438-439.

whether private citizen or the state, to forgive him.¹ Later Plato seems to have changed his mind, for he ordains that if a slave or a foreigner be found stealing anything from the state the court shall determine the penalty and the measures necessary to heal him of his criminal tendencies. If a citizen commit such a deed, when he has enjoyed all the benefits of being reared and educated in such a state, he is to be held incurable and must die.² This seems to me to be clearly a case of inconsistency in the author. Schulte's labored attempt to explain it otherwise seems to me more an insult to Plato's intelligence than the plain admission of an error. Only small minds are never inconsistent.³ Schulte has, however, detected an echo of Attic law in some of Plato's words dealing with the crime of stealing public property. Plato says that the penalty shall follow whether the man be caught in the act or not.⁴ Now in Attic law he who caught a thief in the act of stealing either public or private property might have recourse to the summary processes of *apagoge* and *ephegesis*, of which the first consisted in leading the criminal directly before the judges, the second in bringing the judges to the scene of the crime. Occasionally the process was more leisurely and followed the regular procedure with writs. It was always necessary, however, that the criminal should have been caught in the act of committing the crime.⁵ We have a clear statement of the law on *apagoge* in Demosthenes: 'Solon . . . introduced a law that if any man stole by day (any object) of a value of more than fifty drachmas, he should be subject to *apagoge* before the Eleven, or if any one stole anything whatsoever at night, he might be pursued and killed, wounded, or, if the victim desired, brought by *apagoge* before the Eleven; and he who was found guilty of any act subject to *apagoge* should not be allowed to give sureties and repay the value of the stolen goods, but should suffer the death penalty. And if any one stole from the Lyceum or the Academy or Cynosarges a cloak or an oil-bottle or

¹ *Laws*, 857a-b.

² *Laws*, 941c-942a.

³ J. Schulte, *Quomodo Plato in Legibus publica Atheniensium Instituta respexerit*, pp. 60-61.

⁴ *Laws*, 942a. Cf. Schulte, *loc. cit.*

⁵ Suidas, s.v. ἀπαγωγή; Pollux, VIII, 49-50; Lysias, *Against Agoratus*, 85; Demosthenes, *Against Androtion*, 26; *Against Aristogeiton*, II, 9; *Against Stephanus*, I, 81; Isaeus, *On the Estate of Nicostratus*, 28; Photius and Suidas, s.v. ἐφήγησις.

any of the equipment of the gymnasia, or if any one stole from the port anything above ten drachmas in value, for such an offender also he established the death penalty.' ¹ It seems reasonably certain that Plato must have had the Attic law upon apagoge before him when he insisted that it should *not* be necessary that the criminal be caught in the act. The use of the death penalty in both cases is also interesting.

Plato rules that if any man suspect that another is concealing in his house stolen property he shall go to him naked or in an ungirt chiton, and, taking oath by the proper gods that he expects to find there some of his property, he is to search the house, inspecting all objects, both sealed and unsealed. If any one refuse to grant such a privilege, the one who is refused may sue him, naming the value of the object for which he searches, and if the defendant lose the suit he shall pay double the value. If the master of the house be absent, those who are in the house shall surrender all unsealed objects to be searched. The searcher shall put secondary seals on all sealed objects and shall set any guards he desires over them for five days. If the master of the house have not returned at the end of that time, the searcher shall, in the presence of the wardens of the city, break the seals and search the objects and then, in the presence of the wardens and the members of the household, seal them again. ² Our only information upon the law of search at Athens is that such a process was possible and that he who carried it out must be naked or lightly clothed. ³ It seems to me, therefore, that Plato's provisions are of extraordinary interest, since they may well be a reflection of those further provisions of Attic law which are lost to us.

He who knowingly receives stolen goods is made both by Plato and by Attic law subject to the same penalties as the thief. ⁴

There is no portion of the *Laws* in which Plato seems more indebted to Athenian precedent than in the passages concerning the death of one individual at the hands of another. Athenian law distinguished three forms of death by violence: first degree murder, *φόνος ἐκ πρηνείας*

¹ Demosthenes, *Against Timocrates*, 113 f.

² *Laws*, 954a-c.

³ Schol. on Aristophanes, *Clouds*, 499; Isaeus, *On the Estate of Philoctemon*, 42.

⁴ *Laws*, 955b; Lysias, *Against Philocrates*, 11; *Against Theomnestus*, I, 17.

or φόνος ἐκούσιος,¹ manslaughter, φόνος ἀκούσιος,² and justifiable homicide.³ To these forms, as we shall see, Plato adds a fourth, that of murder committed without premeditation while in the heat of passion.⁴

Our information concerning the Athenian law upon the subject of manslaughter is rather limited, and we turn with a peculiar interest to the elaborate legislation given by Plato on the subject, since it is very possible that he may have drawn some of his ordinances from Athenian sources. We know that Athenian law forced the slayer to go into exile within a specified time.⁵ His banishment lasted until he had obtained the unanimous forgiveness of the near kinsmen of the dead; the refusal of one invalidated the pardon of the others.⁶ If no kinsman survived to carry out this duty, a special committee of ten from among the members of the phratry of the deceased was chosen by the Ephetae to deal with the matter.⁷ If the victim himself forgave the slayer before death, the latter could not even be prosecuted.⁸ Probably, in any case, permission to return from exile could not be withheld indefinitely. A statutory limit of five years seems implied by Scholiast B on *Iliad*, II, 665. (Cf. Antiphon, *Tetralogy*, II, β, 10.) The Lexica Segueriana (ed. Bekker), VI, p. 421, 20, and the Scholiast on Euripides, *Hippolytus*, 35, seem to imply a term of one year, although in the first case no specific reference to Athens is made. Plato's establishment of one year as the period of exile in such cases has, therefore, a peculiar interest.⁹ At Athens, after the exile had returned, he was obliged to perform certain sacrifices and ceremonies of purification.¹⁰ He who had gone into exile after committing manslaughter retained undisturbed possession of his property, and it was forbidden on pain of severe punishment to pursue and harm him beyond the borders of Attica.¹¹

¹ Demosthenes, *Against Aristocrates*, 22; Aristotle, *Constitution of Athens*, 57.

² Demosthenes, *Against Aristocrates*, 72; CIA, I, 61.

³ Demosthenes, *Against Aristocrates*, 60.

⁴ *Laws*, 867c.

⁵ Demosthenes, *Against Aristocrates*, 72.

⁶ Psuedo-Demosthenes, *Against Macartatus*, 57.

⁷ Demosthenes, *Against Macartatus*, 57.

⁸ Demosthenes, *Against Pantainetus*, 58-59.

⁹ *Laws*, 865e.

¹⁰ Demosthenes, *Against Aristocrates*, 72.

¹¹ *Ibid.*, 44.

One form of accidental homicide which we should consider closely related to manslaughter is that which occurs when a contestant in athletic games unintentionally kills his opponent. The Athenians classed this under the heading of justifiable homicide.¹ So, too, they viewed the act of a man who in battle mistook a fellow-citizen for an enemy and slew him.² A third variety of this class of homicides, which should perhaps be called unpunished rather than justifiable, seems to appear in the case of him who slew a highwayman or one who lay in ambush against him, but the meaning of this portion of the law is obscure and much disputed.³ Finally, physicians at Athens were not legally responsible for the death of their patients.⁴ Before I pass on to Plato's general ordinances on manslaughter, I will give at once his provisions for these particular cases. He who slays a man at the games, in war, or in drill, shall merely be purified in accordance with the instructions of the Delphic Oracle.⁵ The physician is not liable for the death of his patient.⁶ The obvious parallelism needs no comment.

We may now list the Platonic laws upon accidental homicide:

1. If one involuntarily kill the slave of another, thinking him his own, he shall make good the loss to the owner, or pay twice the value of the slave as assessed by the judges. He shall undergo rites of purification even more complicated than those prescribed for the man who accidentally slays another in the games. The Interpreters are to determine the nature of these rites.⁷

2. If one involuntarily kill his own slave, he shall be purified and shall suffer no punishment.⁸

3. If one involuntarily slay a freeman, he must undergo similar purification and must avoid the property of the dead — or, if he be a foreigner, his country — for the space of one year, lest he offend the angry ghost. If the slayer observe this law, the next of kin to the dead must voluntarily make peace with him. If he transgress it, the next of kin shall prosecute him for homicide (*φόνος* unqualified), and his

¹ Demosthenes, *Against Aristocrates*, 53.

² *Ibid.*

³ *Ibid.* Cf. Lipsius, *Attisches Recht*, p. 616, n. 59.

⁴ Antiphon, *Tetralogy*, III, γ, 5.

⁵ *Laws*, 865a-b. Cf. 831a, 869c-d.

⁶ *Laws*, 865b.

⁷ *Laws*, 865c-d.

⁸ *Laws*, 865d.

penalty shall be doubled if he is convicted. If the next of kin fail to prosecute in such a case, the pollution shall fall upon him, and he who will may prosecute him. The punishment of such an undutiful kinsman is to be an exile of five years.¹ Is it possible that five years was the punishment of such offenders at Athens, and that it is from that source that the five years of the Scholiast upon *Iliad* II, 665, are drawn? We know that at Athens a kinsman who failed to take the proper steps in regard to prosecution of first degree murder was subject to a charge of impiety² or perhaps of murder.³ Finally, Plato states that if the dying victim forgive his slayer he is to be purified and to go into exile for one year.⁴

4. If a foreigner kill a foreigner his case is governed by the same rules which apply when one citizen kills another. If the foreigner be a metic he shall be exiled for one year, but if an entire stranger kill foreigner, metic, or citizen, he must be purified and go into exile for life. If he return, the Guardians shall put him to death. His property shall pass to the next of kin of the deceased. If he be wrecked upon the coast, he shall abide upon the shore, wetting his feet in the sea, while he awaits the opportunity to sail.⁵ If he be brought back into the country against his will, the magistrates shall release him and send him straight away unharmed.⁶ Whether these minute distinctions and careful regulations are a reflection of similar provisions in Attic law or are the fruit of the particularizing tendencies of Plato's later years it is impossible to decide. There is no trace of such distinctions in the remains of Attic law which we possess. On the whole, however, the regulations upon slaves seem more in accord with the spirit of Attic law than do those upon metics.

Plato makes a distinct advance upon Attic law by distinguishing as less blameworthy than murder those homicides which are committed in the heat of some uncontrollable passion. For such crimes when

¹ *Laws*, 865d-866b.

² Demosthenes, *Against Androtion*, 2.

³ Demosthenes, *Against Meidias*, 120.

⁴ *Laws*, 869d-e.

⁵ At Athens men under sentence of exile who were charged with murder or assault had to plead their cause from a boat at Phreattys. Cf. Aristotle, *Constitution of Athens*, 57; Demosthenes, *Against Aristocrates*, 77 ff.; Pausanias, I, 28, 11.

⁶ *Laws*, 866b-d.

committed against citizens the law is the same as that for involuntary homicide, save that the term of exile is two years instead of one.¹ He who murders in passion, with premeditation, must endure a three years' exile.² When a member of either of these two classes of offenders has completed his exile, twelve judges from among the Guardians shall go to the frontier to decide whether he may be pardoned and allowed to return, and by their decision he must abide.³ If any, upon his return, repeat the same offense, he must go into exile for life. If he return from that exile he shall die.⁴ The law upon the killing of slaves in anger is the same as that upon their accidental death by violence.⁵ Attic law, as we have seen, had nothing to parallel this class of regulations.

There are two special cases under this class still to be considered. If a slave in anger kill his master, the kindred of the dead may do anything they will with the slave save spare his life.⁶ Nor will they incur blood-guilt by their deed. If a slave kill a freeman other than his master, his owners shall surrender him to the relatives of the deceased to do with as they will, provided only that they slay him.⁷ The savage cruelty of this law speaks eloquently of the fear of the slave which was always in the mind of the ancient master, even though he were a philosopher. If we may credit a statement of Antiphon, Plato is even more severe than Attic law, which allowed no one summarily to execute a slave, even though he were caught red-handed. All were forced to hand over the murderer to the proper authorities for trial and punishment.⁸

The second special case of murder committed in passion is that of such murders within the family. Since the blood-guilt is greater, the punishment is more severe. Father or mother who slays a child must undergo purification and spend three years in exile, and must give up all the spiritual and physical relationships of the life of the family

¹ *Laws*, 867c.

² *Laws*, 867c-d.

³ *Laws*, 867e.

⁴ *Laws*, 868a.

⁵ *Ibid.*

⁶ I have adopted the usual interpretation of *ζωροδύντας*. I cannot believe that C. Ritter's objections, *Platos Gesetze, Kommentar zum Griechischen Text* (B. G. Teubner, Leipzig, 1896), p. 288, are valid.

⁷ *Laws*, 868b-c.

⁸ Antiphon, *On the Murder of Herodas*, 48.

under penalty of a charge of impiety. The same ordinance applies to those who slay husband or wife in anger. If one slay brother or sister he shall be purified and exiled in the same way, and shall also be excluded from family life and rites on pain of prosecution for impiety.¹ He who kills a parent in anger shall have no defense, not even that of self-preservation, but must suffer death. Only if the parent, dying, forgive him, may he be purified and set free.² This regulation seems to resemble that Athenian ordinance mentioned by Demosthenes which stated that when the victim of unpremeditated homicide had forgiven his assailant the latter was free from any danger of prosecution. We have seen above that this was also the case in Plato's state.³ Plato does, however, seem to imply that the guilty party must in any case endure a year's exile, which was not true in Athens.⁴ On parricides as a class Attic law was more severe than it was on murderers. To parricides alone was refused the right to save themselves from execution by flight into exile.⁵ Plato ordains that if a slave kill a freeman in self-defense he is subject to the same laws as those which condemn the parricide.⁶ Whether this severity is an echo of Attic law we cannot say with certainty; the general statements of the orators do not deprive slaves of the right to self-defense.⁷

Plato's ordinances concerning murder in the first degree furnish a very close parallel to those of Athens. It is the duty of all relatives of the murdered man within the degree of cousins on either side to prosecute the murderer and to see that he is barred from temples, markets, ports, and all common assemblies. The kinsman who fails in this duty is declared subject to the same pollution as the murderer and to the hatred of the gods, and is liable to prosecution at the hands of any man on behalf of the dead. He who undertakes the task of prosecuting the murderer must undergo a ceremony of purification and must make public proclamation of his intent before taking action.⁸

¹ *Laws*, 868c-869a.

² *Laws*, 869a-b.

³ Demosthenes, *Against Pantainetus*, 58-59. Cf. *supra*, p. 171.

⁴ *Laws*, 869d-e.

⁵ Pollux, VIII, 117.

⁶ *Laws*, 869d.

⁷ Antiphon, *Tetralogy*, III, 8, 7; Demosthenes, *Against Aristocrates*, 56.

⁸ *Laws*, 871a-c. This passage is rendered very obscure by Plato's use of the words *ὁντιναοῦν τῶν ἐμφυλίων*, which would at first sight seem to specify that the victim is a fellow-tribesman of the murderer. Yet the whole context implies that

Attic law bade all kinsmen of the deceased within the degree of cousins, supported by sons, sons-in-law, fathers-in-law, and members of the same phratry, to carry on the prosecution of the murderer.¹ Plato appoints as judges of cases of first degree murder those who preside over cases of temple-robbery.² At Athens trials for first degree murder were held before the Areopagus.³ Plato sets as the penalty for this crime death and burial without the boundaries of the country of the victim. If the murderer flee the trial, his exile shall be perpetual, and if he return any one of his victim's kindred or any citizen may slay him or deliver him bound to the archons for execution.⁴ Athenian law also exacted the death penalty for first degree murder, and required or allowed the presence of the accuser at the execution,⁵ a provision which may be implied in the *Laws*.⁶ It seems now generally agreed that Attic law provided also for the confiscation of the murderer's property.⁷

the law applies to all cases of first degree murder, and I have so interpreted it. Liddell and Scott, even in the latest edition, translate ἐμφύλιος as *kinsman*, with particular reference to this passage. Stallbaum, Bekker, and Ritter ignore the difficulty, but treat the passage as though it concerned the murder of any citizen. Stephanus cites this use of the word together with that in *Republic*, 565e, as meaning 'civem.' Ast cites these uses as 'gentilis.' Hesychius defines the word as τὸν ἐκ τῆς αὐτῆς. Finally, the separate discussion of συγγενῶν αὐτόχειρας φόνους in 872c-d seems to me conclusive evidence that Plato cannot intend this passage to refer to the murder of kinsmen alone. E. B. England in his edition of the *Laws* (London, 1921), vol. II, p. 418, takes the same view of the matter as I.

¹ Pseudo-Demosthenes, *Against Macartatus*, 57; *Against Euergus and Mnesibulus*, 72.

² *Laws*, 871d.

³ Aristotle, *Constitution of Athens*, 57. Although it seems generally agreed that cases of temple-robbery came before the Thesmothetae or, perhaps, the Eleven (cf. Lipsius, *Attisches Recht*, pp. 401, 443), the evidence is not very strong, and it is interesting to find in Plato this correspondence between the judges of that crime and murder, since Cicero, *De Divinatione*, I, 25, 54, states that the Areopagus tried cases of temple-robbery. Cf. Schoemann-Lipsius, *Die Attische Prozess* (ed. 2., 1887), I, p. 376, and note 511, pp. 458-459. Also Xenophon, *Hellenica*, I, 7, 22; Lysias, *For Callias*. The two latter passages seem to imply trial before an ordinary heliastic court.

⁴ *Laws*, 871d-e.

⁵ Antiphon, *Tetralogy*, I, β, 9; Demosthenes, *Against Meidias*, 43; *Against Aristocrates*, 69.

⁶ *Laws*, 871c.

⁷ Lysias, *On the Murder of Eratosthenes*, 50; Demosthenes, *Against Meidias*, 43; *Against Aristocrates*, 45. A summary of the evidence upon this subject will be found in A. Philippi, *Der Areopag und die Epheten* (Berlin, 1874), pp. 109 ff.; I. I. Thonis-

The accused might avoid the death penalty by fleeing into perpetual exile, even so late as after his first speech in his defense.¹ Plato apparently intended that the murderer should flee before the trial.² The law of Athens forbade the exiled murderer to return. If he did so, any man might slay him or hand him over to the authorities for punishment.³ This law is, of course, reflected in the Platonic ordinances as we have seen. If the murderer remained abroad, no Athenian, and, presumably, no citizen of Plato's state, could touch him, so long as he did not enter frontier markets, sacred games, or Amphictionic festivals.⁴ He who received an exile was to be subject to the death penalty.⁵ At Athens those who received exiles were made subject to the punishment ordained for the crime of those whom they received.⁶ A murderer awaiting trial in Plato's state must either provide three sufficient bondsmen or remain in prison until the trial takes place.⁷ Athenian citizens were forced to give surety or face imprisonment only in cases under the forms of *apagoge*,⁸ *ephegesis*,⁹ *endeixis*,¹⁰ and *eisangelia*.¹¹ Non-citizens were forced to give security in all cases.¹² Athenian law made no distinction between him who slew with his own hand and him who employed agents.¹³ Plato rules that he who plans a murder and has it carried out by others is to receive the same treatment as he who sen, *Le droit pénal de la république athénienne* (Brussels and Paris, 1875), pp. 240 ff.; Lipsius, *Attisches Recht*, p. 603, n. 11.

¹ Antiphon, *On the Murder of Herodas*, 13. Pollux, VIII, 117, tells us that parricides alone were denied this right.

² *Laws*, 871d.

³ Demosthenes, *Against Aristocrates*, 28.

⁴ Demosthenes, *Against Aristocrates*, 35-37.

⁵ *Laws*, 955b.

⁶ Pseudo-Demosthenes, *Against Polycles*, 49.

⁷ *Laws*, 871e.

⁸ Demosthenes, *Against Timocrates*, 146.

⁹ Cf. Meier-Schoemann-Lipsius, *Die Attische Prozess*, II, p. 779.

¹⁰ Demosthenes, *Against Timocrates*, 146; Pseudo-Demosthenes, *Against Nicostratus*, 14; Deinarchus, *Against Aristogeiton*, 13 f. Andocides, *On the Mysteries*, 2, seems to be the exception that proves the rule.

¹¹ Demosthenes, *Against Timocrates*, 63; Hypereides, *For Euxenippus*, 2, shows that the rule was not universal.

¹² Lysias, *Against Agoratus*, 23; Isocrates, *Trapeziticus*, 12; Pseudo-Demosthenes, *Against Zenothemis*, 29; Demosthenes, *Against Aristogeiton*, I, 60.

¹³ Andocides, *On the Mysteries*, 94.

actually does the deed himself, with the exception of the matter of bail and of the provision that he may be buried in his own land.¹ This same law concerning first degree murder applies to cases between strangers, between strangers and citizens, and between slaves.² In this matter Plato is more equitable than Attic law, for in Athens murderers of slaves, of metics, and of foreigners were tried before the court of the Palladion and were punished by banishment alone.³

Plato ruled that if a slave murdered a citizen he should be taken to the grave of his victim or to a place whence he could see that grave, and should there be beaten with as many strokes as his captor should direct, and, if not then dead, be slain.⁴ There seems to be no information on the subject of the treatment of such murders under Attic law. Plato's legislation seems more severe than that which we usually find at Athens. If a man kill an innocent slave to prevent his revealing a crime committed by the murderer, Plato rules that he shall suffer the same punishment as that for the murder of a citizen.⁵ There is no evidence for such a provision in Attic law. He who slew his own slave at Athens was merely forced to undergo a religious purification.⁶

Plato provides a special punishment for the murderer of a kinsman, for which I can find no precedent in the law of Athens. The convicted murderer shall be slain at a cross-roads; each of the magistrates shall cast a stone at his head, and his body shall be cast naked and unburied beyond the borders of the land.⁷

In the *Laws* it is directed that suicides shall be buried apart, on the borders of the twelve divisions, in uncultivated nameless places and in unmarked graves.⁸ Athenian law directed that the hand of the suicide which had dealt the fatal blow should be stricken off and

¹ *Laws*, 872a.

² *Laws*, 872a-b.

³ Aristotle, *Constitution of Athens*, 57; *Lexica Segueriana*, ed. Bekker, p. 194. The decrees mentioned by Demosthenes, *Against Aristocrates*, 89, and in CIA, II, n. 115, which give to a foreigner certain extraordinary rights, including the privilege that his murderer shall be prosecuted as though the victim had been an Athenian citizen, certainly imply that as a general rule the punishment for the murder of strangers was less severe.

⁴ *Laws*, 872b-c.

⁵ *Laws*, 872c.

⁶ Antiphon, *On the Murder of the Chorus Boy*, 4.

⁷ *Laws*, 873a-c.

⁸ *Laws*, 873c-d.

buried apart from the body.¹ Whether proper burial was refused, I cannot discover.

If any beast cause the death of anyone, except at the games, Plato directs that the kinsmen of the deceased shall prosecute the animal and that the wardens of the country, such and so many as the kinsmen shall appoint, shall try the case. The beast, if found guilty, shall be killed and cast beyond the borders. Inanimate objects which kill a man shall be treated in the same way.² This is a reflection of a well-known Athenian law by which also even inanimate objects which caused death were cast beyond the borders. Trials of such objects and of beasts on this charge were held in the court of the Prytaneion.³

Plato also ordains that if the murderer remain undetected the deed shall be proclaimed and the unknown murderer placed under a curse. If he be discovered he shall be slain and cast unburied beyond the borders.⁴ Demosthenes quotes a law concerning the detention of those in whose house a murder has been committed when the murderer has escaped,⁵ but the accounts of Pollux and Suidas imply that this law was applicable only to murders committed outside Attica.⁶ This is the only legislation on this matter which I can find, and there seems to be no connection between it and the Platonic law.

The law upon justifiable homicide in Plato is very evidently that of Athens. He considers the act justified against a burglar by night or against a footpad in self-defense. Anyone doing violence to a woman or a boy may be slain with impunity by the victim or by the victim's father, brother, or sons. A man may slay the violator of his wife. Nor is a man guilty of murder if he slay a man in defense of father, mother, brother, wife, or children, when they are guiltless of wrong-doing.⁷ Attic law named as cases of justifiable homicide those which occurred when a man was defending himself against unprovoked attack.⁸ Likewise homicide was justified when one was defending one's possessions against a robber.⁹ Solon's law permitted one to follow and kill a thief

¹ Aeschines, *Against Ctesiphon*, 244; Aristotle, *Nicomachean Ethics*, V, 15 (1138a).

² *Laws*, 873e-874a.

³ Aeschines, *Against Ctesiphon*, 244; Demosthenes, *Against Aristocrates*, 76.

⁴ *Laws*, 874a-b.

⁵ Demosthenes, *Against Aristocrates*, 82.

⁶ Pollux, VIII, 50; Suidas, s.v. ἀνδροληψία.

⁷ *Laws*, 874b-d.

⁸ CIA, I, 61.

⁹ Demosthenes, *Against Aristocrates*, 60 f. Cf. CIA, I 61.

who broke into a house by night.¹ One might kill the accepted lover or the violator of wife, mother, sister, daughter, or of the concubine with whom one was raising free children.² Whether one might slay the seducer or violator of a boy, as in Plato's state, is a disputed point.³

Plato directs that if a man attack another with intent to kill but merely wound him, he shall be tried for murder, but shall be punished merely by banishment for life and by the enforced payment of damages, but not by confiscation of his property. The court is to be the same as that for the trial of murder.⁴ At Athens cases in which attempted murder had resulted merely in wounding the victim were tried before the Areopagus and were punished by lifelong exile and, if murderous intent were definitely proved, by confiscation of property as well.⁵ Plato was obviously softening the severity of Attic law in his regulation concerning confiscation. The Platonic legislation is of interest here in the dispute between Philippi and Lipsius whether the banishment from Athens was temporary or lifelong.⁶ Plato adds that when children wound their parents, or slaves their masters, or brothers or sisters one another with murderous intent, death shall be the penalty.⁷ Doubtless these regulations are his own, for they reveal that same severe spirit which we have elsewhere noticed in his legislation governing the family and the slave.

¹ Demosthenes, *Against Timocrates*, 113.

² Demosthenes, *Against Aristocrates*, 53; Lysias, *On the Murder of Eratosthenes*, 30.

³ Lipsius, *Attisches Recht*, p. 616, contends that Attic law had no parallel to the Platonic ordinance. A. Philippi, *Der Areopag und die Epheten*, p. 56 and n. 81, refers to Lysias, *Against Eratosthenes*, 32, 33, and seems to hold that there was such a law at Athens.

⁴ *Laws*, 876e-877b.

⁵ The charge was called *τραῦμα ἐκ προνοίας*. Lysias, *Against Simon*, 38, 42, 47; *On the Assault*, passim; *Against Andocides*, 15; Demosthenes, *Against Aristocrates*, 22; Pseudo-Demosthenes, *Against Boeotus*, II, 32; Aeschines, *On the False Embassy*, 93; *Against Ctesiphon*, 51, 212; Lucian, *Timon*, 46.

⁶ A. Philippi, *Der Areopag und die Epheten*, pp. 113-114, contends that the banishment was not lifelong, but I agree with the contention of Lipsius, *Attisches Recht*, p. 607, n. 25, that the passage in Lysias, *Against Andocides*, 15, implies perpetual exile. Cf. I. I. Thonissen, *Le droit pénal de la république athénienne*, pp. 259-260.

⁷ *Laws*, 877b-c.

Injuries which are inflicted in anger must be made good by heavy fines in the ideal state of the *Laws*. If the injury be curable, the offender must pay twice the amount of the actual assessed damages; if it be incurable, disfiguring, or disgraceful, he must pay four times the assessed damages. If he render his victim incapable of military service, he shall requite the state for its loss by serving his victim's term in addition to his own, on penalty of conviction for refusal to serve. The damages shall be assessed by judges. When the case lies between members of the same family, a family council shall decide it, subject to a right of appeal first to arbitrators in the male line and then to the Guardians.¹ A suit arising from such an injury at Athens might take the form of a *δίκη αἰκείας* or a *δίκη βλάβης* or a *γραφὴ ὕβρεως*. The problems which arise in connection with this matter are so numerous and so complex that they have no place here, inasmuch as Plato's legislation shows no trace of the minute distinctions which prevailed in the Athenian law.² I can find no evidence of a rule upon the assessment of damages similar to that in Plato. Probably the plaintiff mentioned a certain sum.³ When magistrates were attacked the penalty was generally the loss of civic rights.⁴ Plato gives further elaborate and severe regulations governing cases which involve the suits of children against parents.⁵ His provisions concerning injuries inflicted by slaves are interesting and may reflect Athenian law. If a slave wound a citizen in anger, his owner shall surrender him to the injured party to do with as he will, or, if he refuse to surrender him, he must himself make good the injury. If he charge collusion between the slave and the citizen, arranged that the latter may obtain the former, he must argue the case. If he lose, he must pay thrice the damages assessed, but if the verdict be in his favor, the freeman shall be liable to become his slave.⁶ The clause concerning the punishment is probably too severe to be

¹ *Laws*, 878c-e.

² Cf. Thonissen, *Le droit pénal de la république athénienne*, pp. 258-274.

³ Cf. *infra*, p. 186, n. 4.

⁴ Demosthenes, *Against Meidias*, 32. Death was sometimes inflicted. Cf. Demosthenes, *Against Meidias*, 49-50; *Against Conon*, 23; Suidas, s.v. ὕβρις. But Aristotle, *Problemata*, XXIX, 16 (953a), states that death was not the penalty.

⁵ *Laws*, 878e-879a.

⁶ *Laws*, 879a. But cf. *Laws*, 882a-c, where the slave is to be scourged by his victim and then imprisoned by his master until the victim permits his release.

derived from Attic law, and the same holds true in regard to the possible enslavement of the conspirator.¹

In the event that one man unintentionally wound another, he shall be tried by men over sixty with children of their own (the judges in cases between children and parents), and shall be liable for only the simple damages which they assess.² This is in accordance with Athenian law, which made the penalty for unintentional injury the simple damages.³

The provisions which Plato makes concerning assaults upon elders and those committed by strangers against citizens are probably his own inventions and need not be reproduced here.⁴

He who is found guilty of assault upon his parents is to be banished from city to country and is to be denied all share in sacred rites. If he fail to abstain from such rites, the wardens may punish him with blows or otherwise. If he return to the city he shall die. His presence at table or even his touch brings impurity upon any citizen, which the latter must remove before sharing in any religious rite. If a citizen disregard this law, any magistrate who fails to arraign him for the offense is himself liable to a charge of serious neglect of duty.⁵ Under Athenian law assault upon parents was tried on a *γραφὴ κακώσεως γόνυων* before the Archon, and was punishable, at the least, by loss of civic standing,⁶ or by imprisonment or fine,⁷ or even by death.⁸ Plato expressly states that he recognizes no distinction between the sexes in regard to the law on assault.⁹ This may possibly imply the existence of such a distinction in Attic law.

Plato holds buried treasure to be under the protection of the gods, and ordains that he who touches it must be indicted, by the first who sees him in the act, before the wardens of the agora, city, or country as the case may be. Delphi is to decide concerning the disposition of the treasure and the punishment of him who disturbs it. Rewards

¹ Hypereides, *Against Athenogenes*, 22, mentions a Solonian law making the master responsible for damages committed by his servants.

² *Laws*, 879b.

³ Demosthenes, *Against Meidias*, 43.

⁴ *Laws*, 879b-880d.

⁵ *Laws*, 881d-e.

⁶ Andocides, *On the Mysteries*, 74.

⁷ Demosthenes, *Against Timocrates*, 60, 103, 105.

⁸ Lysias, *Against Agoratus*, 91.

⁹ *Laws*, 882c.

and penalties are established for those who inform or who fail to inform in such cases.¹ This may afford an indication concerning the nature of Attic law on this matter; we have no definite information concerning it. Similar regulations protect property left behind or lost by its owner. The public registers of property are to be the deciding factors in such cases. Penalties for theft involve scourging for slaves and ten-fold fines for freemen.² At Athens, presumably, such questions would come under the normal law of theft.

We pass now from the realm of criminal law to that of a number of miscellaneous actions, some civil, some criminal, in their general aspect. One of the most exact of Plato's reproductions of Athenian procedure is found in certain of his regulations concerning slaves. If anyone carry off a slave under the contention that he is a freeman (*ἐὰν ἀφαιρῇται τινα εἰς ἐλευθερίαν*) the possessor of the slave shall allow him to be taken, but the man who takes him must give three sufficient sureties. If he do not fulfill these requirements he shall be liable to a charge of violence, and if convicted must pay him from whom he seized the slave twice the damages mentioned in the charge.³ Attic law uses exactly the same phrase for such cases, *ἀφαιρεῖσθαι* or *ἐξαιρεῖσθαι εἰς ἐλευθερίαν*.⁴ He who seizes the slave must go bond with two others before the polemarch for the claim that the so-called slave is really a freeman.⁵ In the account of Lysias it is the slave who offers bondsmen.⁶ If the object of the dispute were adjudged a slave, he was, naturally, given back to his alleged master.⁷ Moreover, he who had tried to free him had to pay a fine, half of which went to the state, half to the owner of the slave.⁸ On the other hand, he who had tried to enslave a freeman was liable to an action for violence, *βιαιῶν*, or insolence, *ὑβρεως*.⁹ Plato gives no further ordinances concerning such

¹ *Laws*, 913a-914a.

² *Laws*, 914b-e.

³ *Laws*, 914e-915a.

⁴ Isocrates, *Trapeziticus*, 14; Lysias, *Against Pancleon*, 10.

⁵ Pseudo-Demosthenes, *Against Neaera*, 40; Isocrates, *Trapeziticus*, 14.

⁶ Lysias, *Against Pancleon*, 12.

⁷ Lysias, *Against Pancleon*, 12. Implied by the words *περὶ τοῦ σώματος ἀγωνίσασθαι*.

⁸ Pseudo-Demosthenes, *Against Theocrines*, 19, 21.

⁹ Lysias, *loc. cit.*

cases than those I have quoted. Even so, the similarity to the Athenian law is striking.

A few of the provisions in the *Laws* concerning freedmen may be drawn from the Attic code. Any freedman guilty of disrespect toward his liberator and patron may be arrested. He must visit his patron thrice a month to offer his services, and must marry as the patron wishes. Any property which he gains in excess of the amount possessed by his patron must be given to the latter.¹ Cases arising from this relationship are referred by Plato first to arbitration and then to the final decision of the tribal courts.² At Athens freedmen who took another patron than their former owner or who failed in their duty to their patron were liable to a *δίκη ἀποστασίου*. The penalty of conviction was re-enslavement; those who were acquitted were given complete freedom.³ The court was that of the polemarch.⁴ Whether Plato's severe prescription of the death penalty refers to cases of mere neglect of patrons cannot be certain from his language. At any rate he seems to imply it.⁵ The nature of the Athenian laws upon these obligations remains obscure. We have merely a statement in Pollux that Demosthenes mentioned such regulations as existent.⁶

Among the peculiar injuries mentioned by Plato are those produced by poison administered without intent to kill but with intent to harm, or taken by a person accidentally when it had been intended to harm or kill cattle. He who is responsible for the taking of poison in this way must suffer the death penalty if he is a physician; if he is a layman he must suffer the penalty determined by the court.⁷ I can find no parallel legislation at Athens, where only first degree poisonings, so to speak, are mentioned. There is, however, the famous instance mentioned by Aristotle of the woman whose husband died as the result of a love-potion administered by her. She was tried before the Areopagus for murder in the first degree and was acquitted.⁸

¹ *Laws*, 915a.

² *Laws*, 915c. I have omitted any mention of the laws compelling metics and freedmen to leave the state after twenty years, for they do not seem to be derived from Athenian usage.

³ Harpocration, s.v. *ἀποστασίον*.

⁴ Aristotle, *Constitution of Athens*, 58.

⁵ *Laws*, 915c.

⁶ Pollux, III, 83.

⁷ *Laws*, 933d.

⁸ Aristotle, *Magna Moralia*, I, 16 (1188b).

The problem of unnatural vice is attacked by Plato in two passages.¹ He provides that anyone guilty of this vice shall suffer loss of all civic honors.² In Athens the boy who sold himself to shame was deprived by the νόμος ἑταιρήσεως of all civic rights. The man who, although guilty of such a crime, tried to obtain office was liable to a γραφή ἑταιρήσεως, and, if found guilty, was subject to the death penalty.³ In Plato, it should be noticed, the law seems to apply not only to unnatural but also to illegal connections.

One of the measures for public safety in the Platonic state which may have been taken from Attic law, although we have no direct evidence for its existence therein, is the provision that he who allows a madman to escape from confinement in his home shall be fined a hundred drachmas if a member of the highest property class, eighty if of the second, sixty if of the third, and forty if of the fourth.⁴ In this connection it is interesting to observe that Plato recognizes madness as an exculpatory factor in the consideration of any crime. The damages are only simple in such cases.⁵ Although I cannot find any definite statement of such a doctrine in regard to injuries committed by madmen at Athens, the principle is that of the Attic law which assessed only simple damages upon involuntary offenders, double upon voluntary.⁶

Plato could not brook the excessive freedom of speech which had prevailed for generations in Athens and which finds its most regrettable expression in the *chroniques scandaleuses* of even the greatest of orators. Solon had passed a law forbidding evil speech against the dead in any place or at any time and against the living in sacred precincts, courts of law, offices of magistrates, or at the games. A penalty of five minae was exacted from offenders, of which three minae went to the plaintiff and two to the state.⁷ Plato also makes the crime involved in the use of evil speech especially grave when it is committed in temples, at public sacrifices, at games, in the agora, in a court of

¹ *Laws*, 636b-e, 835d-842a.

² *Laws*, 841d-e.

³ Aeschines, *Against Timarchus*, 19, 21, 29, 51, 72, 87; Andocides, *On the Mysteries*, 100. Cf. Scholium on Aristophanes, *Plutus*, 153.

⁴ *Laws*, 934c-d.

⁵ *Laws*, 864d.

⁶ Demosthenes, *Against Meidias*, 43.

⁷ Plutarch, *Solon*, 21.

law, or at any public assembly. The magistrates of such places are freely to punish the offender or else themselves be liable to disgrace.¹ If anyone become abusive under other conditions, any older citizen shall punish him even with blows, on the penalty of a fine if he refrain from doing so.² Athenian law on this matter was extremely complicated in the Fifth and Fourth centuries, recognizing many extenuating circumstances. Since Plato rejected its complexity in favor of a Solonian simplicity, I shall content myself with referring readers to the discussion in Lipsius.³

Plato forbids comic or iambic poets to attack citizens on penalty of a fine of three minae (which is to be dedicated to the god who presides over the contest) or of expulsion from the country. The athlothetae have jurisdiction in this matter. Certain verses written purely in fun are to be permitted when they have passed the censorship of the superintendent of education.⁴ The only case of such legislation at Athens of which we have definite proof is the psephisma of Morychides against comedy, proposed in the archonship of Morychides (440-439), and rescinded in the archonship of Euthymenes (438-437).⁵ All other references to laws *μη κωμῳδεῖν ὀνομαστί* seem to be based upon false inferences from texts.⁶

If the slave of one man through carelessness or ignorance harm the property of another, and if the injured party be quite free from any blame in the matter, the owner, says Plato, shall either make good the damage or hand over the slave to the injured party. If the master suspect collusion (as in the case of assault mentioned above, p. 179) he shall bring a charge of conspiracy, and if he win the case he shall receive double the value of the slave as determined by the court; if he lose he shall both pay the damages and lose the slave. Injuries committed by animals fall under the same regulations.⁷ At Athens, if an animal caused injury to person or property its owner was obliged to hand it over to the injured party.⁸ In the case of injuries com-

¹ *Laws*, 935b-c.

² *Laws*, 935c.

³ Lipsius, *Attisches Recht*, pp. 646-651.

⁴ *Laws*, 935e-936b.

⁵ Scholium on Aristophanes, *Acharnians*, 67.

⁶ Cf. the excellent discussion in G. Norwood, *Greek Comedy* (London, 1931), pp. 26-29.

⁷ *Laws*, 936c-e.

⁸ Plutarch, *Solon*, 24.

mitted by slaves, our evidence merely states that the owner was forced to pay damages; nothing is said of the surrender of the slave.¹ But the ordinance of Plato, together with the law of another city, gives some ground for believing that, at least occasionally, the slave may have been surrendered.²

In the Platonic state all suits of a commercial or industrial nature and all suits for damages which involve resident metics engaged in industry are to be settled by the wardens of the city if the sum involved be under fifty drachmas. If the amount be higher, the case must be tried in the public courts.³ As we have seen, at Athens the wardens of the city and of the agora apparently had the power to sentence slaves and strangers to fifty lashes and citizens to a fine of as much as fifty drachmas. Cases involving higher or more severe punishments went to the courts.⁴

Plato rules that upon the sale of a slave afflicted with a chronic disease invisible to the layman, if the owner warn the purchaser of the disease or if the latter be a physician, there is no redress. If the owner be skilled in such matters and the purchaser a layman, the latter may apply within six months for restitution, or, if the disease be epilepsy, within a year. The case is to be decided by a physician chosen by both sides. The penalty for deception is the payment of damages double the price of the slave. If layman sell to layman, the damages are merely the simple price. If one sell a slave guilty of murder to another who knows of his guilt the latter has no redress. If, however, the purchaser is ignorant of the fact, he shall take action upon learning thereof, and the case shall be tried before the five youngest Guardians. The house of the purchaser shall be purified as the Interpreters direct, and he shall receive as damages thrice the purchase price of the slave.⁵ At Athens, if a man sold a sick slave without telling of his illness, the purchaser might return the slave and receive his money back.⁶ Some

¹ Hypereides, *Against Athenogenes*, 22.

² A similar choice is mentioned in the law of Andania. Cf. Dittenberger, *Sylloge* (ed. 3.), n. 736, ll. 77 ff.

³ *Laws*, 847a-b.

⁴ See above, pp. 137, 159.

⁵ *Laws*, 916a-d.

⁶ Hypereides, *Against Athenogenes*, 15. The same word, ἀναγωγή, is used by both Plato and Hypereides. *Lexica Segueriana*, ed. Bekker, I, pp. 207, 214; Hesychius, s.v. ἀναγωγή.

have thought that Plato's law reflects the existence of a *δίκη ἀναγωγῆς* at Athens, with double penalties for those who made the sale with intent to deceive.¹

In his rules on suits for failure to fulfill contracts, Plato provides that the defendants may be sued in the courts of the tribes when neighbors and friends have failed to bring about a reconciliation between the litigants. He who fails to finish work within the time agreed must pay the price to the buyer and do the work free of charge. If a buyer fail to pay he can be forced to pay double, and if a year or more elapse he must pay an obol a month interest as well.² There seem to have been similar suits at Athens, which came under the title of *δίκαι βλάβης* or were brought as *δίκαι παραβάσεως συνθηκῶν*.³ Apparently the penalty for violation was often mentioned in the contract itself.⁴

Plato gives very minute instructions concerning the question of water rights and drainage.⁵ Guiraud seems to believe that these regulations are an accurate reflection of Athenian law.⁶ Among these rules is one that in case of heavy rain, if a property holder refuses a neighbor with whom he shares a common wall outlet for water, or if he recklessly lets off water on his neighbor's land, if the two cannot reach an amicable agreement, the plaintiff shall summon the warden of city or country, as the case may be, and the latter shall decide the case. He who disobeys the decision must pay double damages to the injured party.⁷ A very similar case is found in the oration of Demosthenes against Callicles, from which we learn that the principle of Athenian law was that each property owner could dispose of excess rain-water as he would so long as he allowed it to follow a downward course, and that a natural water-course must not be obstructed. Plato permits anyone to draw

¹ Cf. Lipsius, *Attisches Recht*, p. 745, n. 251; E. Caillemer, *Le contrat de vente à Athènes, Revue de législation ancienne et moderne française et étrangère* (Paris, 1873), pp. 24 ff.

² *Laws*, 920d-921d.

³ Pseudo-Demosthenes, *Against Dionysodorus* and *Against Olympiodorus*, passim; Pollux, VIII, 31.

⁴ Pseudo-Demosthenes, *Against Dionysodorus*, 27, 44. Here the penalty is apparently twice the amount involved in the transaction.

⁵ *Laws*, 844a-d. Plato speaks of the water laws as ancient.

⁶ P. Guiraud, *La propriété foncière en Grèce jusqu'à la conquête romaine* (Paris, 1893), pp. 189-191.

⁷ *Laws*, 844c-d.

or lead water from a fountain-head or a common stream to his own land so long as he does not cut off the spring which belongs to another. He may lead the water where he will on another's land, save through house, shrine, or tomb, but he must not harm the land on either side of the actual channel.¹ There seem to have been similar laws at Athens.² Plato rules that if a man dig to brick clay on his own land without finding water, he may carry from his neighbor's supply water sufficient for his household needs. If the neighbor's supply be limited, he may draw therefrom a fixed measure, to be determined by the wardens of the country.³ Plutarch cites a law of Solon, providing that all dwelling within four stades of a public fountain should draw therefrom. Any who were farther removed should first dig for water on their own land. If they found none when they had reached a depth of ten fathoms, they might draw six choes twice a day from the supply of their neighbor.⁴

Plato's provisions upon trespass are strict. He who removes a landmark shall be brought to trial and punished as the court directs.⁵ He who trespasses on a neighbor's land shall pay double damages to the injured party.⁶ He who pastures cattle on another's land must make good any damage they do.⁷ So, too, he who decoys and captures a swarm of another's bees, and he who fires his own brush so carelessly as to injure his neighbor's property, must pay damages.⁸ Similar regulations oblige farmers to plant their crops at a proper distance from their neighbors' land.⁹ Over all these matters the wardens of the country are to be guardians and judges.¹⁰ There seems to have been no law at Athens similar to that forbidding the removal of boundary stones.¹¹ Nor can we find any trace of definite legislation at Athens on any other of these matters. A remote similarity may be seen in the law which protected all olives and resinous pines, even when not

¹ *Laws*, 844a.

² Plutarch, *Themistocles*, 31; Suidas, s.v. *παροχρεύει*.

³ *Laws*, 844b.

⁴ Plutarch, *Solon*, 23.

⁵ *Laws*, 843b.

⁶ *Laws*, 843c-d.

⁷ *Laws*, 843d.

⁸ *Laws*, 843d-e.

⁹ *Laws*, 843e.

¹⁰ *Laws*, 843d.

¹¹ Cf. P. Guiraud, *La propriété foncière*, pp. 186-187.

sacred to a deity.¹ Plato may, however, have drawn from Attic sources which tradition has not preserved.

Any herald or ambassador who is guilty of treachery or deceit in his mission is to be indicted, says Plato, in the name of Hermes and Zeus, and shall be condemned to the fitting punishment.² At Athens, as we learn from the speeches of Demosthenes and Aeschines on the false embassy, any treachery or malfeasance on the part of an ambassador was severely punished, usually with death,³ occasionally with a very large fine.⁴

Plato had learned at Athens to fear those who invented charges in order to profit by a species of blackmail. He provides that any man who strives to carry on false or perverted litigation or advocacy for profit may be accused of malpractice before the court of the select judges. If he be convicted and the court hold that his guilt arose from innate love of strife, he shall be forbidden the right to institute or plead a suit for a definite time. If he be found to have acted from a love of gain, he shall be banished if a stranger, executed if a citizen. If any be twice found guilty of malpractice arising from natural litigiousness, he shall die.⁵ A man guilty of such a crime at Athens could be prosecuted for sycophancy by a γράφη, by εἰσαγγελία, by προβολή, or by φάσις.⁶ One who was found guilty of this crime, or who failed to gain one-fifth of the votes of the jury in all save certain exceptional cases, was fined 1000 drachmas and forbidden ever again to institute such a suit.⁷

With this example our detailed study of the similarities between Plato's *Laws* and the Athenian institutions comes to an end. It remains merely to list the conclusions to be drawn from this study. In the first place, it seems to me that there can be no question that in

¹ Demosthenes, *Against Macartatus*, 71; Lysias, *On the Sacred Olive Tree*, 24-25. Cf. I. I. Thonissen, *Le droit pénal de la république athénienne*, pp. 310-311.

² *Laws*, 941a-b.

³ Demosthenes, *On the False Embassy*, 126, 131.

⁴ Demosthenes, *Against Aristocrates*, 167; *On the False Embassy*, 280.

⁵ *Laws*, 937d-938c.

⁶ Isocrates, *Antidosis*, 314; Pollux, VIII, 47.

⁷ Theophrastus, in the Scholium on Demosthenes *Against Androtion*, 593; Pseudo-Demosthenes, *Against Aristogeiton*, II, 9; Andocides, *On the Mysteries*, 33, 76, seems to imply disfranchisement as a punishment.

very numerous instances Plato fashioned his institutions directly upon Athenian models. I append here a table of the instances in which such borrowing seems fairly apparent. I have given, in each case, a brief description of the principle or institution concerned, the references to that subject in the *Laws* in the paging of Stephanus, and, finally, the page of this article on which the matter is examined.

CASES OF SIMILARITY BETWEEN THE *Laws* AND ATHENIAN INSTITUTIONS

<i>Subject</i>	<i>Stephanus Page</i>	<i>Page of Article</i>
Athens as model	639d-e	132-133
Population figure	737e	133
Property classes	744b-745b	133-134
Tribes	745b-e, 848d-e	134-135
Franchise	753b	135
Council of Guardians	753b-755b	135-136
Council	756b-e, 758a-d	136-137
Wardens of city	763c-e	137
Wardens of agora	763e-764c, 917e-919a	137-138, 159, 185
Gymnasia	804c	138, 151-152
Dokimasia	751-767 passim	138-139
Euthynai	945b-948b, 774b, 881c	139
Inheritance	923c-925d, 966c-d, 740b-741a	140-144
Registration of children	785a-b	144-145
Betrothal	774e	145
Mistreatment of parents	932a-d, 881d	147
Incompetence of parents	929d-e	148
Neglect of orphans	928b-d	148-149
Hereditary priesthoods	759a-b	149
Election and dokimasia of priests	759b-e	149-150
Interpreters	759d-e	150
Treasurers of sacred property	759d-760a	150
Temple-robbery	854e	151
Training of youths	760b-763c	152-153
Generals	755b-d	154
Taxiarchs	755d-756a	154
Hipparchs	756a-b	154
Phylarchs	756a	154-155
Military service	785b	155
Failure to serve and desertion	943a-d	155-156
δικη and γραφή	767b	157
Arbitrators	767b, 915c, 920d, 956b-c	157-158
Court for capital cases	855c-d	159
Magistrates as presiding officers	948d, 949a, 958a	159

<i>Subject</i>	<i>Stephanus Page</i>	<i>Page of Article</i>
Fixed and unfixed penalties	941a, 956c, 907e	160
διαδικάζειν	914e	160
Rewards for information against criminals	passim	160-161
Opening of case	846b-c, 855e	161-162
Witnesses	937b	162-163
Refusal to serve as witness	936e-937a	163
False witness	937b-d	163-165
Κλήρωσις and πλήρωσις	956e	165
Advocates	937a, 937e-938b	165
Treason and sacrilege	856b-e	165-166
Law of search	954a-c	168
Receiver of stolen goods	955b	168
Manslaughter	865a-866d, 869c-e, 831a	169-171
Murder in first degree	871a-872b	173-176
Reception of exiles	955b	175
Deaths caused by animals and in- animate objects	873e-874a	177
Justifiable homicide	874b-d	177-178
Murderous assault	876e-877b	178
Accidental injury	879b	180
Assault on parents	881d-e	180
Freeing of alleged slaves	914e-915a	181-182
Freedmen	915a-c	182
Unnatural vice	636b-e, 835d-842a	183
Injuries committed by slaves and animals	936c-e	184-185
Sale of sick slave	916a-d	185-186
Breach of contract	920d-921d	186
Water rights	944a-d	186-187
Treachery of ambassadors	941a-b	188
Sycophancy	937d-938c	188

Such, then, are the cases in which Plato seems to have borrowed more or less directly from Athenian institutions. Are there any definite tendencies to be discerned in his choice? This question is difficult to answer in a categorical way, yet there are certain straws which seem to show the general direction of the wind. He seems to have had a great respect for Solonian legislation, and there are several instances, which I shall list below, in which we find direct correspondence between some provision in the *Laws* and some Solonian institution. The list follows.

<i>Subject</i>	<i>Stephanus Page</i>	<i>Page of Article</i>
Population figure	737e	133
Property classes	744b-745b	133-134
Abolition of dowries	742c, 744c-d	145
Disinheritance	929a-c	147
Usury	742c, 849e, 915e	156
Regulation of exports	847c	156
Justifiable homicide of burglar by night	874b	177-178
Slander and evil speech	935b-c	183-184
Injuries committed by animals	936e	184
Water rights	844b	187

Some of these provisions were, of course, in force in Plato's day, but some show a really conservative tendency.

Plato's more liberal views upon the position of women are reflected in his extension of their legal powers in courts of law, in testamentary matters, and in divorce. A less pleasant aspect of his mind is shown by his severity in all cases which involve offenses of children against parents and of slaves against masters. We should always have these prejudices in mind when we wish to use Plato as a witness on some disputed point in Attic law. He is often most valuable in this way, as I have tried to point out, but in the cases which I have just mentioned he is little to be trusted. For the convenience of my readers I append a list of a number of cases in which the evidence of Plato seems of value upon some obscure point of the Athenian code.

<i>Subject</i>	<i>Stephanus Page</i>	<i>Page of Article</i>
Children of mixed marriages	930d-e	146-147
Punishment of negligent guardians	928b-d	148-149, 161
Interpreters	759d-e, 958d	150
Magic	909a-c, 933d	151
Sophronistae	760b-763c	153
Wardens of port	847c	156
Euthynae of arbitrators	761e	159
Witnesses	937b	162-163
Disfranchisement of children of those guilty of treason or sacrilege	856b-e	166
Apagoge	942a	167-168
Right of search	954a-c	168
Manslaughter	865a-866d, 869c-e, 831a	169
Temple-robbery tried before Areopagus	871d	174, n. 3

<i>Subject</i>	<i>Stephanus Page</i>	<i>Page of Article</i>
Justifiable homicide of seducer or violator		
of boy	874c	177-178
Punishment for murderous assault	876e-877b	178
Assault by slaves	879a	179-180
Distinction between sexes in cases of assault	882c	180
Buried treasure	913a-914a	180-181
Freedmen	915a-c	182
Madness	934c-d, 864d	183
Injuries committed by slaves or animals	936c-e	184-185
δίκη ἀναγωγῆς	916a-d	185-186
Water rights	844a-d	186-187
Trespass	843b-e	187-188

THE MEANING OF ΕΙΚΑΣΙΑ IN THE DIVIDED LINE OF PLATO'S *REPUBLIC*

BY JAMES ANASTASIOS NOTOPOULOS

PLATO, the mathematician, in trying to explain the relation of the world of Becoming to the world of Being resorts to a line divided in geometrical proportions. But Plato is a philosopher and poet as well, and the similes of Light and the Cave are also brought in to illustrate the relationship of the realms of Becoming and Being. These aspects of his mind express themselves in integrated scenes, so that we have no systematic exposition, but a dramatic rendering of the life of reason. If we try to translate this drama into epistemology we experience the difficulties of grasping a protean Plato who is a mathematician, philosopher, and poet at one and the same time. It should be evident, therefore, to the interpreter of the divided line that he must not expect to find the meaning of terms by simple textual reference; rather he must refer the text to living thought. The literal text in this context is our best guide in Plato.

In the divided line the lower section is concerned with the relation of image to original, of *εἰκασία* to *πίστις*. If we agree with the interpretation¹ that this reference to the facts of vision is intended only for illustration, and that it is only the distinction between *διάνοια* and *νόησις* that matters, the lower section of the line offers no difficulties. *Εἰκασία* and *πίστις* would simply be words for 'image' and 'original,' illustrating by reference to the facts of vision the relation of the realms of Becoming and Being. Plato, however, definitely states that the lower section of the line represents the world of *δόξα*, as well as the relation of image to original. Therefore, any comprehensive interpretation of the lower section of the divided line must look on *εἰκασία* and *πίστις* as (1) illustrating the relation of the world of Becoming to the world of Being in point of clearness (*σαφήνεια*), and (2) as a whole, representing the lower world itself. The natural symbolism of the first interpretation

¹ Cf. H. Jackson in *Journal of Philology*, XI (1882), pp. 287 sqq.

makes any explanation obvious. The second aspect requires examination, for its difficulties have given rise to a literature which prevents us from seeing the wood for the trees.

In the line the level of apprehension which is concerned with images is *εἰκασία*, usually translated by 'conjecture'; the level of apprehension concerned with originals is *πίστις*, or 'belief.' The relation of these two has not been clearly understood because Plato has left us no definite, clearly cut, systematic explanation as to their epistemological meaning. He gives us hints as to what they may mean in the simile of the cave, but these hints are descriptive of actions of men in the cave; they are the language of drama and not of logic, therefore the difficulty is that of trying to interpret drama in terms of epistemology. Hence we have a problem arising from the fact that Plato here, as in many other places, leaves a tentative and suggestive sketch, which invites scholars to give a systematic explanation. Their interpretations disagree, partly because of the wide variance that arises in interpretations of drama and symbolism in the language of epistemology, and partly because the text is not referred to the nature of thought itself. Scholars have divided themselves into two camps, each securing its tent by certain pegs in the text of the *Republic*.

(A) One group of scholars interprets *εἰκασία* as the state of mind which confuses images with originals. J. Adam in his notes on the text of the *Republic* defines *εἰκασία* as the 'state of mind in which *εἰκόνες* are held to be true.'¹ This interpretation is based on the passage in the *Republic* 515 B–C where the prisoners in the cave mistake the shadows on the wall for the objects whose reflections they are.² This school of interpretation, realizing that the stage of *visual εἰκασία* has no metaphysical importance, and that Plato places *εἰκόνες* in the realm of *δοξαστά* as well as in that of *δρατά*, makes these shadows and reflections a metaphorical description of current

¹ J. Adam, *The Republic of Plato* (1902), II, p. 72. See also R. L. Nettleship, *Lectures on the Republic of Plato* (1922), p. 246.

² *Republic* 584 ff. might be referred to as another instance of *εἰκασία* as interpreted by Adam and Nettleship. In this passage a person confuses the absence of pain with pleasure itself. *Εἰκασία* would be the mistaking of the absence of pain for pleasure, whose shadow it would be.

erroneous opinions passing with the uninstructed as final truth. They are 'the νόμιμα on subjects of taste, morality, truth, and the like expressed or embodied in the works of poets, painters and artists generally, sophists and rhetoricians, demagogues, statesmen, and others, in so far as these canons and opinions are copied from τὰ τῶν πολλῶν πολλὰ νόμιμα καλοῦ τε πέρι καὶ τῶν ἄλλων (479 D), or from any other opinions and "appearances" whatsoever.'¹ Εἰκασία, then, which is purely visual, by an extension of the original scope of the image, comes to furnish a convenient illustration of moral and intellectual δόξα. Εἰκασία illustrates the realm of δόξα, but it is an illustration of a state of mind similar to that of the prisoners in the cave which mistakes the shadows of δόξα for the truth. It is this identification of error with truth which is the meaning of εἰκασία according to this group of interpreters of the divided line. According to their view, then, the man who is in the state of εἰκασία has no consciousness that there is a higher stage of knowledge; the shadows and reflections of it are identified with it, and are maintained with the vicious certainty of the ignorant. Whatever the opponents of this view may say, it must be admitted that there are passages in the text of the *Republic* to defend it. Since εἰκασία is placed in the realm of δόξα, the passage in 479 D can be introduced as the moral and intellectual content of a word which is purely visual in usage; likewise εἰκασία as the state of mind in which shadows are held to be true finds its confirmation in the prisoners underground who mistake the flickering shadows cast by a fire for the objects themselves.

(B) The other group of scholars² reject the interpretation of εἰκασία as the state of mind which confuses shadows with things. Stocks says: 'an attitude of that kind would be content with itself, untroubled by doubt as to its own authenticity. But the word suggests doubt, conjecture, implies a question asked but only half answered.' They all agree that εἰκασία does not mean the

¹ Adam, *op. cit.*, II, pp. 157-158.

² J. L. Stocks, *The Divided Line*, *Classical Quarterly*, V (1911), pp. 73 sqq.; A. S. Ferguson, *Plato's Simile of Light*, *Classical Quarterly*, XV (1921), pp. 131 sqq., XVI (1922), pp. 16 sqq.; N. R. Murphy, *The Simile of Light in Plato's Republic*, *Classical Quarterly*, XXVI (1932), pp. 93 sqq.

apprehension of an image without knowledge that the image stands for anything other than itself. The man in the state of *εἰκασία* at least knows this much: that the image is a reflection of something, and not the thing itself. *Εἰκασία*, though it be the state of mind which results from looking at shadows and reflections, is the mind at work, advancing toward the truth through conjecture or inference. In attempting to define *εἰκασία* Stocks says: 'a mind is faced with an image — fleeting and shifting as shadows and reflections are wont to be — with an image which he knows to be an image, but of which he does not know the original. He will be trying continually, on the ground of imperfect evidence before him, to frame a reliable mental picture of that original. He will be in a state of conjecture. When he succeeds in seeing the thing over whose image he was puzzled, then conjecture gives place to certainty, *εἰκασία* to *πίστις*.'¹

Ferguson in defining *εἰκασία* says it is 'inference from appearances. It is reading originals through their images.' His differs from Stocks' interpretation in defining *εἰκασία* as 'not a state which contemplates images, but as the illustrative state which studies originals through their natural images.'² But it will be readily seen that the two interpretations do not differ greatly. *Εἰκασία* in both cases is concerned with the study of images as the source of knowledge of the originals; it is a conjecturing or inference, by which the mind advances toward knowledge of an original by means of its reflections.

The group of scholars who hold this view of *εἰκασία* base their interpretation: (a) on our natural reaction to reflections of objects in nature, such as in water — we do not mistake reflections for the objects themselves; furthermore, the nature of a reflection is such that it gives us incomplete and unsatisfying evidence concerning the visible nature of the reflected object, and thus engenders in the mind cravings which only the sight of the object itself will set at rest; and (b) on the passage in the text where the prisoners released from the cave first look at the shadows and reflections because they cannot yet bear to look at the originals — *ἐτι ἀδυναμία βλέπειν* (532 B).³

¹ *Loc. cit.*, pp. 77-78.

² *Loc. cit.*, p. 145.

³ Whereas the first view of *εἰκασία* is based on what happens inside the cave,

Both the interpretations of *εἰκασία* outlined above find supporting evidence in the text of the *Republic*. They have been adequately defended by their interpreters on the evidence of the text and its implications. Their interpretations of *εἰκασία*, however, are contradictory. *Εἰκασία* is interpreted on the one hand as illusion, i.e., the confusing of an image with the original, and on the other as conjecture, inference, i.e., apprehension of the original through or by means of images. A comprehensive study of the text will show that this contradiction is brought about by the *abstraction* of passages from the text; or rather by the neglect to relate the passages to the implications and 'overtones' of the text. The text suffers in the same way as animal life that is killed for laboratory analysis, a method which is rewarded by knowledge of morphology at the cost of knowledge of life in function and process. The passages in the text relating to *εἰκασία* have been adequately studied as *minutiae*; they should now be examined synoptically.

I propose to show by such a study that the two interpretations of *εἰκασία* are not contradictory, but are necessary stages in the life of the mind, which Plato saw but did not systematically present or crystallize in epistemological doctrine. The two seemingly contradictory interpretations of *εἰκασία* can be reconciled and understood by studying them in the context of *process* which is inherent in the life of reason. This process must not be confused with the flux of the phenomenal world against which Plato sets the eternal immovable world of Being; it is rather the *movement* of the mind in its progressive apprehension of objects in the divided line. The distance from *εἰκασία* to *πίστις* can only be traversed by the mind in process and motion, which characterize the nature of thought.¹

The necessity of studying *εἰκασία* in the context of process is imposed upon us by the very text itself:

this view is based on what happens outside the cave. The symbol of image and original is applicable to both realms in the divided line, according to the ratios. This accounts for the privilege taken by the two schools of interpretation to interpret *εἰκασία* from references to the symbol of 'image-original' both within and outside the cave. It is one of the main reasons for the difficulties in interpreting *εἰκασία*.

¹ See Plato, *Laws* 894 C-894 D, where soul or mind is defined as 'motion which can move itself.'

(a) The drama in the cave reveals movement and motion in the ascent. If the language of the simile were translated into the language of logic the movement by the men in the cave would symbolize the concept of 'process' inherent in the life of the mind in its formation of propositions, judgments, and preoccupations with the objects in the segments of the divided line.

(b) The language used by Plato to describe the soul going from *διάνοια* to *νόησις* in the upper part of the divided line is concerned with process and movement, e.g., *πορευομένη* (510 B), *ιούσα* (510 B), *διεξιόντες* (510 D), *ὁρμήσωσι* (510 D), *ἐπιβάσεις* (511 B), *ὁρμάς* (511 B). There is 'process' from the *ὑποθέσεις* to the *ἀνυπόθετος ἀρχή* and back again. If the upper part of the line reveals 'process' inherent in the nature of thought, then the lower half of the line must also be characterized with 'process,' for if in the line

<i>εἰκασία</i>	<i>πίστις</i>		<i>διάνοια</i>	<i>νόησις</i>
A	D	C	E	B

$$AD : DC :: AC : CB$$

and

$$CE : EB :: AC : CB$$

it follows that

$$AD : DC :: CE : EB.$$

(c) The nature of a reflection is such that it leads the eye to the object that casts the reflection. Metaphorically this would imply 'process' and movement as the 'eye' of the mind moves from *εἰκασία* to *πίστις*.

Thus it is seen that the text of the *Republic* imposes on us the necessity of studying *εἰκασία* in the context of 'process.' To understand how *εἰκασία* has been interpreted on the basis of passages abstracted from the underlying context of 'process' let us picture the mind moving from *εἰκασία* to *πίστις* as fingers on the notes of a scale. It is possible that the mind may strike every note as it moves along, or only certain notes, skipping the intermediate ones. The latter is the case with the two interpretations of *εἰκασία*, which may be said to be like two notes on the scale of movement or 'process' which the mind traverses. Plato in his unsystematized treatment of the subject has only touched on these two notes in the scale of

movement from *εἰκασία* to *πίστις*. Though these two notes disagree, the disagreement will be shown to be no more than two notes, discordant if abstracted from the scale of music, but harmonious and merging into one another otherwise.¹

In their views on *εἰκασία* the two groups have respectively interpreted *εἰκασία* as two static points in the process; they have abstracted these two points from the context of process and made them fighting posts of disagreement. The group that interprets *εἰκασία* as the state of mind that confuses the image with the original, sees no further than the initial point in the scale of 'process.' They see, as it were, the darkness, but not the impregnation of it by the beams of inference which eventually reveal the object as it is. The other group has seen this twilight of inference, but not the darkness from which it was born. They have seen the end of the stage in the process where *εἰκασία* begins to merge into *πίστις*, but have not become aware that there is a stage prior to it. The two schools of interpretation have examined *εἰκασία* atomically, and not synoptically as Plato would have it.

In the light of these remarks an attempt should be made to see what Plato means by *εἰκασία*, not in terms of the symbol he employs (for there is no such thing as a stage of visual *εἰκασία*), but as to the meaning of the symbol. To translate the symbol into epistemology is very difficult. In the first place, Plato himself has left no systematic explanation of it, but only hints in the language of drama, i.e., the cave; in the second place, the interpreter who ventures beyond the 'literalism' of the text is open to the charge of reading into Plato posterior developments in epistemology. Anyone, however, who refers the text of Plato to living thought for an answer is a faithful Platonist. I shall attempt to translate the symbol which Plato uses to picture *εἰκασία* into epistemology, making use of the modern parallels nearest to what is implicit or to what is explicit in Plato's account of *εἰκασία*.

The first stage in the process of the mind going from *εἰκασία* to

¹ For example, if 'E' and 'F' are struck together on the piano they sound harsh; if struck in the context of the chord of A minor scale, E, F, G \sharp and D,



they sound harmonious.

πίστις is, we are told in the simile of the cave, that which mistakes shadows for the original. This would be a state of illusion. Hitherto I have assumed that illusion, i.e. the mistaking of a shadow for the original, is the natural, initial stage in the process. I shall now attempt to show that Plato considers it so, and that consequently the first interpretation of εἰκασία is valid though incomplete. Throughout the *Republic* Plato describes the conflict between ἡδονή and ἐπιστήμη, a conflict which concerns every topic in it; it is the theme of the book. Everywhere Plato shows that ἡδονή is the lowest common denominator in the life of the people; his quarrel with art is that it concerns itself with ἡδονή rather than ἐπιστήμη.¹ His scheme of education pictures ἡδονή as the main preoccupation of the average man, and it is the refinement of this ἡδονή into one concerning itself with philosophy that is the function of education. It is natural therefore that ἡδονή should be included in the interpretation of the divided line, at least in the initial stage. The prisoners in the cave, the common everyday unphilosophic men in the street, are concerned with ἡδονή, they are preoccupied with what is pleasant or painful to them rather than with what is true or false. The interpreters of the divided line have not noticed this very important distinction, that the lowest part of the line represents the people in the state of ἡδονή who are in no way concerned with truth or falsehood. To look on the line as representing stages of knowledge is misleading, for the quest of truth and reality is posterior to man's primal interest in his pleasures and pains. The divided line represents the conflict between ἡδονή and ἐπιστήμη, the two extremes of the line stand for poles, the lower where λόγος is at the lowest ebb and ἐπιθυμία at its fullest, and the higher where intellectual abstraction envisages reality. Those who have overlooked this very obvious fact about human nature, which Plato has noticed and describes in the cave, have done so because they are preoccupied with epistemology, and read into experience the quest of truth, which comes, if at all, in the advanced stages of intelligence. The quest of pleasure is prior to the quest of truth in human nature. Plato has observed this, and depicts it in the cave which explains the line.

¹ *Republic* 603 A. The standard of perfection being ἐπιστήμη, art errs in having as its standard ἡδονή. The essence of Plato's attack on art is that it has no other standard than ἡδονή.

In Professor A. N. Whitehead's *Process and Reality* is found the nearest modern parallel in epistemology to Plato's account of *εἰκασία*. The person in the stage of *εἰκασία* experiences what Whitehead says of 'Propositions' and their difference from 'Judgments': 'The function of "propositions,"' he says, 'is a lure for feeling, providing immediacy of enjoyment and purpose.' "Propositions,"' he continues, 'have been handed over to logicians, who have countenanced the doctrine that their one function is to be judged as to their truth or falsehood. The interest in logic, dominating over-intellectualized philosophers, has obscured the main function of propositions in the nature of things. They are not primarily for belief but for feeling at the physical level of consciousness. The conception of propositions as merely material for judgments is fatal to any understanding of their rôle in the universe. . . . In their primary rôle they pave the way along which the world advances into novelty. Error is the price we pay for progress.'¹

These remarks of Whitehead illuminate Plato's *εἰκασία*, and they translate into the language of logic the metaphorical language of Plato on *εἰκασία*. The man in the state of *εἰκασία* looks on life and his experience from the primitive concern of feeling and sensation rather than from that of logic.² In the cave the concern of the prisoners in the state of *εἰκασία* is their pleasure in watching the 'Punch and Judy' show reflected on the wall. The language used is that from the theatre: ὥσπερ τοῖς θαυματοποιοῖς πρὸ τῶν ἀνθρώπων πρόκειται τὰ παραφράγματα, ὑπὲρ ὧν τὰ θαύματα δεικνύουσιν.³ Since the man in the state of *εἰκασία* is primarily concerned with pleasure, it will not be surprising if the philosopher examining his state of mind from the point of view of knowledge and τὸ ἀγαθόν discovers it to be illusion, the mistaking of the shadow for the original. Such is the condition of the prisoners seeing the shadows on the wall.

The mind as it is determined by the human search for pleasure is the mind in the state of *εἰκασία*. Since it is not concerned with truth, the relation of a mind, as determined by pleasure, to ἐπιστήμη, will be accidental and not necessary. It may be pointed out that

¹ A. N. Whitehead, *Process and Reality* (1929), pp. 281 ff.

² There is a very significant phrase that illustrates this in *Theaetetus*, 179 C: . . . τὸ παρὸν ἐκάστῳ πάθος, ἐξ ὧν αἱ αἰσθήσεις καὶ αἱ κατὰ ταύτας δόξαι γίγνονται.

³ *Republic* 514 B.

ἡδονή, being in the realm of δόξα, may be ἀληθής as well as illusion. But there is no doubt that according to Plato's view of the mass of mankind the ἀληθής-pleasure would apply only to the few philosophic natures in the cave; the majority would be in a state of illusion owing to their quest of ἡδονή rather than of ἐπιστήμη. Illusion is the metaphysical 'sin' of pleasure; the slow realization of this sends the mind to the next stage in the process — conjecture, inference.

If, as Professor Whitehead seconds Plato, 'error is the price we pay for progress,' that progress is a slow transition from concern with pleasure alone to concern for truth. When we forsake images for their sources, we are forsaking hedonism for philosophy, though the pleasure in the use of the mind is not excluded thereby. We are not yet philosophers in the state of εἰκασία that is symbolized by πίστις, where we see the original as it is.¹ Within the stage of illusion in the process from εἰκασία to πίστις there is an intermediate stage which Plato describes as seeing an object through its image. This is the stage in the process which is singled out by the second group. It is conjecture about the reflection before our eyes; or, as Stocks puts it, 'a mind is faced with an image — fleeting and shifting as shadows are wont to be — with an image which he knows to be an image, but of which he does not know the original. He will be trying continually, on the ground of imperfect evidence before him, to frame a reliable mental picture of that original. He

¹ In the cave we are in a condition comparable to εἰκασία, not πίστις. See for this Murphy's article in *C. Q.*, XXVI, pp. 100 sq., with which I agree on the point involved. He says 'in the Cave we find that ordinary people ("we") are in a condition which Plato strives with all his resources of imagery to define as comparable to εἰκασία, not to πίστις, nor yet to πίστις and εἰκασία merged together, as if Plato had lost interest in the distinction between them, but to εἰκασία simply . . . Plato means that δόξα resembles εἰκασία.'

Πίστις, as the state of mind which sees the original as it is, is symbolic of seeing the truth, which is certainly not the case within the realm of δόξα. Adam interprets it as the 'normal attitude of the ἀπαιδευτος towards his δοξαστά.' If the world of δόξα is a shadow of the world of Being, the normal attitude of the ἀπαιδευτος towards his δοξαστά would be concerned with shadows of Being; this concern with shadows in the symbolism of image and original would naturally be εἰκασία, the state of mind concerned with shadows. If πίστις symbolized truth within the realm of δόξα, I do not know what that truth would be unless it be ἀληθής δόξα, or the unphilosophic truths of our common sense experience.

will be in a state of conjecture. When he succeeds in seeing the thing over whose image he puzzled then the conjecture gives place to certainty — *εἰκασία* to *πίστις*.¹ It is the awakening of intelligence through doubt,² perhaps wonder. It is the 'turning round' in the cave by means of education, signifying the change from pleasure and illusion to the stirrings of the mind to seek the truth; it is inference, whether true or false, from appearances — the prisoners released from the cave first look at shadows of Being because they cannot yet bear to look at the sun directly. Just as the prisoners start with the *θεῖα φαντάσματα* reflected in water, so the searcher of truth must begin with inferences and conjectures. When he sees the truth he has arrived at *πίστις*. The stage in the process between the state of mind determined by the quest of pleasure with its resulting illusion and the direct perception of the original is still *εἰκασία*, the state of mind which is emerging from the quest of pleasure to the search for truth. It is the stage in the process upon which the second group of interpreters base their interpretation of *εἰκασία*.

Thus *εἰκασία*, when interpreted in the context of 'process,' is nearer both to what Plato says and implies and to the actual nature of thought. In this light the two interpretations of *εἰκασία* are found to be stages in the process. Far from being contradictory they harmonize with each other, and with the text, as a major and minor in a passage of music.³

¹ J. L. Stocks, *op. cit.*, pp. 77-78.

² *Republic* 523 A-524 C.

³ Since, according to the ratios of the line *εἰκασία* : *πίστις* :: *διάνοια* : *νόησις*, the symbol of image and original is applicable to both realms, our interpretation of *εἰκασία* must square with the account given of *διάνοια*. Though I intend to discuss this more fully elsewhere I wish to point out here:

(A) That the first stage in the process from *εἰκασία* to *πίστις*, which is the confusion of an image with its original, finds its counterpart in the process from *διάνοια* to *νόησις* in the mathematician, who leaves his premises unexamined because he thinks they require no examination (510 D). This leaves room for illusion, for we later find that many of the hypotheses which were thought to be true must be destroyed (*τὰς ὑποθέσεις ἀναιροῦσα*, 533 C).

(B) That the second stage of *εἰκασία*, the perception of an image as the imperfect perception of the original, finds its counterpart in the study of scientific hypotheses which 'dream about Being' (*ὀνειρώττονσι μὲν περὶ τὸ ὄν*, 533 B).

THE ARRANGEMENT OF OARS IN THE TRIREME

BY FRANK BREWSTER

SOME years ago W. W. Tarn¹ published an article on Greek warships, in which he maintained that on the Athenian triremes the oars were arranged on the same principle as on the Venetian triremes of the thirteenth to sixteenth centuries. About the same time A. B. Cook² published a similar opinion, though he reached it by a different line of reasoning. This theory was criticized adversely by Cecil Torr,³ and appears not to have received universal acceptance. It seems worth while, therefore, to review the evidence, which affords this theory much stronger support, I think, than was claimed by either of the above advocates.

Fincati⁴ gives very complete details as to the construction of the Venetian triremes, and it is well to have their arrangements clearly in mind before considering the evidence relating to the classical period. To fit the vessels for rowing, a superstructure was built on the hull, as follows. Stout cross-pieces called *gioghi* ('yokes') were fastened across the hull about 8 feet abaft the bow and 12 feet forward of the stern. Their ends projected about 3 feet beyond the vessel's sides. The corresponding ends of these cross-timbers were then connected by a string piece, which was further supported at intervals by knees fastened to the deck and supporting the stringers on their upright arms. The whole formed a rectangular structure extending over the boat's deck and projecting laterally about 3 feet. The benches of the oarsmen were placed inside the ship's rail, the inner end being nearer the stern than the end at the ship's side. Three rowers sat side by side on each bench, each rowing one oar. The tholes for the oars were placed on the stringer, and the three oars all issued from the same port, thus giving the appearance of bunches of three as shown in the fifteenth-century

¹ *Journal of Hellenic Studies*, XXV (1905), pp. 137 ff. and 204 ff.

² *Classical Review*, XIX (1905), pp. 371 ff.

³ *Ancient Ships* (Cambridge, 1894).

⁴ See the translation by Rear Admiral Serre, in *Les Marines de Guerre* (1885).

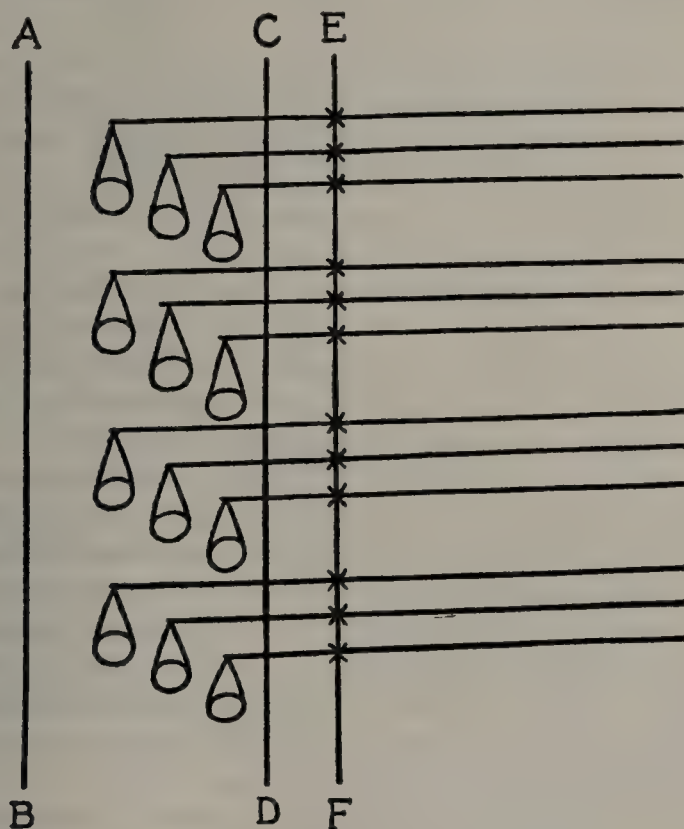
woodcut which Tarn reproduced.¹ The figure on the opposite page shows the general scheme. In this sketch the line AB represents the longitudinal middle line of the ship, CD the side of the vessel, and EF the stringer which was carried by the cross-beams fore and aft. A is towards the stern, B towards the bow. The figures represent the rowers, and the straight lines crossing CD and EF the oars. Crosses on EF mark the tholes. Whether the tholes were in one straight line on the stringer, or longitudinal timber, does not appear from Fincati's description. The row of oars which extended nearest to the longitudinal middle line were called *pianeri*, the middle row *posticci*, the row next the ship's side *terzicci*. The longest oars were from $30\frac{1}{2}$ to 32 feet long; the next from 28 to 29 feet long; the shortest $26\frac{1}{2}$ to 28 feet long. The galleys appear to have had a height out of water of about 6 feet, and this length of oar would have made in rowing an angle of about 20° with the water surface, which is a reasonable angle for effective work.

The inventories cited by Fincati show that the triremes were rowed by 150 men, or 25 benches to the side, and that they carried 30 spare oars. A gangway ran from bow to stern between the two inner rows, somewhat elevated above the deck. The whole superstructure was called the *telaro*. These various details all seem important because we shall find similarities in the ancient evidence.

It is, of course, obvious that the exact mechanical arrangements need not be duplicated. The essential features seem to be the outrigger for the tholes of the oars and the location of the seats for the respective rowers. Each group of three rowers must sit on a line oblique to the longitudinal axis with the inner rowers nearest the stern; and for this clearly some additional seating arrangements must have existed besides the ordinary thwarts. It seems probable that the trireme was evolved from the penteconter, and the extra seats could have been provided without material change in the hull itself. The penteconter was originally an open boat, rowing 25 oars to the side. The crew sat in pairs on the thwarts. From the description of the launching of the Argo, it was obviously rather low in the water. To change this boat into a trireme arranged on the Venetian pattern, two things were necessary; first, an out-

¹ *L.C.*, p. 138.

rigger to carry the tholes, and, second, some equipment by which the different rowers could sit, in part at least, between the thwarts. The first was needed because the boat was not wide enough to enable the rowers to sit far enough from the tholes to give the proper power to the oar. At least a quarter of the oar must be



inside the thole to give the necessary leverage to the rower. This part of the oar we call the loom, and the loom is anywhere from a quarter to a third of the length of the oar. A man's shoulders are about 18 inches wide, and six rowers would, therefore, occupy at least a space of about 9 feet. A passageway must be left between the inner rows for use by the fighting men and sailors. If this were (say) 4 feet wide, and if allowance be made for the thickness of the sides, we get a beam of from 14 to 15 feet. The slips

in the Athenian dockyards show that the triremes could not exceed 20 feet beam, and Köster¹ estimates their beam at 4.4 to 4.6 metres. The outer row of oarsmen must, therefore, have sat close to the boat's side, and they could not have rowed without an outrigger. As to the second requirement, it is, of course, obvious that thwarts could not be used, as they do not run obliquely to the longitudinal median line. The seats could, however, have been provided by running planking down the boat from near the bow to near the stern and supporting the planking on the thwarts. The rowers could seat themselves on these planks, just as we used to sit on the double-runners of our childhood, only spacing themselves appropriately. Foot-rests could be attached to it somewhat like those we used on our old double-runners.

The oars in a 'varsity eight are 12 feet to 12½ feet long. Richardson's letter attached to the article by Cook² says the oars in a life-boat are 16 feet long. There is evidence that the longest oars on a trireme were about 14 feet long.³ If the oars on the penteconters were about this length, the rower whose thole was on the gunwale would have had to sit about 3 feet from the side to have the requisite length of loom. This would have left ample space between him and the side of the hull to seat two more rowers. Therefore it would have been possible to evolve a trireme from the penteconter without changing the dimensions of the hull, except possibly some increase in the height of the side, so as to have the same freeboard when afloat. This would be necessary, as the displacement would naturally be greater on account of the increase in crew; and possibly stronger construction would be needed.

Now the evidence seems to indicate that what I have outlined is exactly what happened in the case of the Greek triremes. We know that a box-like structure extended out over the water from

¹ August Köster, *Das antike Seewesen*, Berlin (1923), p. 137.

² *Classical Review*, XIX (1905), p. 376.

³ Torr (*op. cit.*, *infra*) gives the number of oars on a trireme as 200, divided as follows: 62 thranite, 54 zygite, 54 thalamite and 30 perineoi oars (see p. 10 f.). Tarn gives the length of the perineoi oars as 4.4 m. (p. 151, n. 55). The perineoi were probably spares. The Venetians carried this number of spares. These spares would naturally be just the length of the longest oars. You can always shorten an oar, but you cannot lengthen it.

the sides of the hull. This is shown on the prow from Samothrace.¹ It is also shown on the pictures of the warships from the temple of Isis.² In the well-known bas-relief from the Acropolis³ there is a beam running longitudinally the length of the vessel, above which the rowers can be seen and which seems to correspond to the Venetian construction. What purpose this extension could have served, if it was not an outrigger, is not apparent. The essential feature of naval warfare after the Persian invasion was ramming. For this speed and quickness in turning were essential. There was no need for a fighting-space on the sides, for there was no boarding, and in any event there was a fighting deck over the rowers. The structure certainly added weight and lessened stability. As an outrigger it might be necessary. Such is Köster's opinion.⁴ He says that it was the invention of this outrigger which made the trireme possible.

The Greeks called some part of the boat the *παρεχειρεσία*. Tarn thinks that this was the name which was given to the outrigger. He cites for his opinion (1) Polyænus III, 11, 14.⁵ The argument is that as the ordinary steering oars were on the stern, the fact that the other oars were put out through the *παρεχειρεσία* would apparently indicate that this was a different place; and also that as the object was to prevent the steering oar from lifting out of the water, the position for the extra oars would be somewhat forward of the regular place, which would be likely to bring them into the projection on the sides which the triremes had. (2) *Peripl. Pont. Eux.*, 3. Here it is said that the waves came in not only through the port-holes, but over the *παρεχειρεσία*. (3) Note also the frequent references to ships losing part of their *παρεχειρεσῖαι* in action (e.g., Thuc., VII, 34), of which I shall speak more in detail presently. And finally (4) the statement of Polyænus (III, 11, 13): *Χαβρίας πρὸς τὰς ἐπιβολὰς τῶν κυμάτων ὑπὲρ τὴν παρεχειρεσίαν ἑκατέρου τοίχου δέρρει*

¹ See Cecil Torr, *Ancient Ships* (Cambridge, 1894), Plate V, fig. 22; Köster, *op. cit.*, p. 147.

² Torr, *op. cit.*, Plate VII, fig. 35 and fig. 36.

³ Torr, *op. cit.*, Plate V, fig. 21.

⁴ *Das antike Seewesen*, pp. 107 f.

⁵ Cited also in Torr, *op. cit.*, p. 75, n. 170.

παρέβαλεν, καὶ κατηλώσας ἀρτίως τῷ καταστρώματι κατὰ τὸ ὕψος φράγμα κατελάμβανεν αὐτὸ πρὸς τὰς παρειχειρεσίας· τοῦτο δὲ ἐκώλυε τὴν ναῦν ὑποβρύχιον φέρεσθαι καὶ τοὺς ναύτας ὑπὸ τῶν κυμάτων βρέχεσθαι· καὶ τὰ ἐπιφερόμενα κύματα οὐχ ὁρῶντες διὰ τὴν τοῦ φράγματος πρόσθεσιν οὐκ ἐξανίσταντο διὰ τὸν φόβον οὐδὲ τὴν ναῦν ἔσφαλλον, that is (I give Tarn's version): 'Chabrias stretches skins over the *παρειχειρεσία* of each side of the ship . . . and nails them to the deck above, thus making a *φράγμα* which prevented the waves from washing in and the oarsmen looking out. . . .'

Now Thucydides (VII, 34) recounts a sea-fight in the Corinthian gulf between thirty-three Athenian ships and about the same number of Corinthian and Peloponnesian ships. Details of the tactics are not given, but the historian says (§ 5): 'Three of the Corinthian ships were destroyed; and of the Athenian ships not one was sunk, but some seven were rendered ἄπλοι, from charging bow to bow and having their *παρειχειρεσῖαι* smashed by the Corinthian ships which had stouter ἐπωτίδες for this very purpose . . .'; and below (§ 6), 'the Athenians got possession of the wrecks because the wind drove these out to sea and the Corinthians no longer advanced against them. . . . Nor were prisoners taken on either side; for the Corinthians and Peloponnesians were fighting near the shore and thus easily saved themselves, and on the side of the Athenians no ship was sunk.' ¹

Several things seem obvious from this account. First, the injured Athenian ships were not seriously injured in their hulls, or they would have sunk like the three Corinthian. Second, the Athenians could not use their oars; otherwise it is incredible that they should have waited till the wind drove them out to sea, where they were picked up. Thucydides says they were rendered ἄπλοι. Literally this means 'not sailable,' or, as war-galleys depend on their oars, 'not rowable.' Finally, the damage was wrought by the stouter ἐπωτίδες of the Corinthian ships. According to Liddell and Scott, these were 'beams projecting like ears on each side of a ship's bows.' Torr calls them 'cat-heads.' They may have been used for dropping or hoisting anchors, but they must have been something very different from what we know as cat-heads to put

¹ Adapted from the translation by Charles Foster Smith, Loeb Library.

the entire oarage of another boat out of action. The problem then seems to be this: what kind of arrangement for rowing could then have been in use, so that a blow from a beam projecting from the bows of a hostile ship like an ear could throw it all out of commission?

The answer is very simple if the arrangements for rowing were similar to those on the Venetian triremes. The tholes for their oars were on the long sides of a rectangle fastened on top of the hull. If you hit one corner of this a sufficiently heavy blow, you would break it from its fastening and certainly make it useless. Once it was carried away, the boat could not be rowed. The damage was done when the boats were charging bow to bow. As the Athenians' hulls were not seriously injured (they did not sink), the boats must have slid by each other; and, if the projecting corners of these rectangular structures met, the weaker would be smashed, or, at all events, so damaged as not to be usable. As the oars on both sides depended upon it, knocking it out of place would put all the oars out of commission. The heavy timbers crossing the boat at the bow and at the stern which supported this rectangle correspond very well with the definition above-cited of the *ἐπωτίδες*, and it is obvious that by making the front *ἐπωτίς* stouter than that used by the Athenians just such a result as is recounted might have occurred. Some such arrangement seems to me the only way in which it is possible to explain how a head-on collision could have left the hull substantially unhurt and yet put the rowing power entirely out of commission. In any event it seems clear that the *παρεξαιρεσία* was an essential part of the arrangement for rowing. The historian says the damage consisted in destroying the *παρεξαιρεσίαι*, which rendered the boats *ἄπλοι*. If the *παρεξαιρεσία* was part of the rowing structure, it must, from the etymology of the word, have been an outrigger, and if an outrigger it was probably made and used like that on the Venetian triremes.

In Thucydides VII, 36, 2, we are told that the Syracusans, in preparing for action against the Athenian fleet, strengthened their bows, apparently by inserting supports inside them, and by putting on stout *ἐπωτίδες*, which were further strengthened, in the same

way as the Corinthians had done for the sea-fight just mentioned, by blocking them behind with beams six cubits long and fastened on each side of the ship, both inside and out. We are then told they did this because they expected that in the narrow limits of the harbor the Athenians could not employ their usual tactics of circling round and ramming from the sides, and that in a bow-to-bow attack the stouter bows of the Syracusan ships would smash the Athenian. Later on, in 40, 5, we are told that the damage to the Athenian ships was largely the injury wrought to their *παρεξειρεσῖαι*. Here again the preparation made and the damage done would be best explained if the *παρεξειρεσία* was an outrigger made and used on the same principle as the Venetian arrangement.

Pollux (1, 85-92) details the names of various parts of the ancient ship, ending (92) with these words: *εἶτα παρεξειρεσία, ἔμβολον, ἄντλον κτλ.* As he refers several times to *πρῶρα* in speaking of the various parts of the bow, it certainly looks as if the *παρεξειρεσία* was not part of the bow. Then again, in 124, in a list of words relating to fighting, he has: *ἀναρρηξαι τὴν παρεξειρεσίαν, ἀναρρηξαι τὴν πρῶραν.* Here again it seems as if there was a difference between *πρῶρα* and *παρεξειρεσία*.

Finally, *παρεξειρεσία* is apparently the only word in Pollux's list which fits the structure extending from the ship's side. This structure surely must have had a name; and the name, one may presume, is included among the definitions of Pollux, who would hardly have omitted it unless through a mistake.

Again, in his enumeration of the various parts of the ship, Pollux (1, 88) writes: *ἡ δὲ παρὰ τοὺς θρανίτας ὁδὸς πάροδος, παράθρανος.* There is other evidence to be produced below, that the thranites had the longer oars; now if they formed an inner row like that on the Venetian galley, we have here a reference to a gangway just like the gangway down the middle of the Venetian galleys.

The writer then continues: *οἱ δὲ περὶ τὴν στεῖραν ἐκατέρωθεν παρατεινόμενοι τροποὶ πρῶτος καὶ δεύτερος, ὁ καὶ θαλαμῖός. ἑπτὰ δ' ἐνίοις ἀνάσταται ἡ τριήρης, ὧν ἕκαστος κατὰ τάξιν καλεῖται, πρῶτος βόλος καὶ δεύτερος καὶ ἐφεξῆς.* This last statement looks like an account of seats, stretching down from the prow, on which the rowers sat, or rather

on which they might have been placed, if indeed they were arranged in the order in which they sat in the Venetian galleys.

Let us now consider some other statements made by ancient writers. (1) In Aristotle (*Mechanica*, 5) we read: διὰ τί οἱ μεσόνεοι μάλιστα τὴν ναῦν κινουσιν; ἢ διότι ἡ κώπη μοχλὸς ἐστίν; ὑπομόχλιον μὲν γὰρ ὁ σκαλμὸς γίνεται, μένει γὰρ δὴ τοῦτο· τὸ δὲ βάρος ἡ θάλαττα, ἣν ἀπωθεῖ ἡ κώπη· ὁ δὲ κινῶν τὸν μοχλὸν ὁ ναύτης ἐστίν· αἰεὶ δὲ πλεον βάρος κινεῖ, ὅσω ἂν πλεον ἀφεστήκη τοῦ ὑπομοχλίου ὁ κινῶν τὸ βάρος· ἐν μέσῃ δὲ τῇ νηὶ πλείστον τῆς κώπης ἐντὸς ἐστίν· καὶ γὰρ ἡ ναὺς ταύτῃ εὐρυτάτῃ ἐστίν, ὥστε πλείον ἐπ' ἀμφοτέρα ἐνδέχασθαι μέρος τῆς κώπης ἐκατέρου τοίχου ἐντὸς τῆς νεώς. If we assume that the kind of ship Aristotle had in mind was one constructed on the same principle as the Venetian triremes, that by ἡ μέση ναὺς he refers to the median longitudinal line, and by μεσόνεοι he means the row of oars nearest that middle line, the whole passage makes perfectly good sense:

Why do the men on the inner row propel the ship most? For this reason: the oar is a lever, the thole is the fulcrum — for it remains still; the sea is the weight, which the oar repels; the seaman is the power moving the lever; the farther the power moving the weight is from the fulcrum the more weight it can move; on the middle line of the ship there is most oar within; for here is the greatest width of the ship, so that on each side there is a larger part of the oar within both the sides.

As the lines of the outrigger were in all probability parallel with the longitudinal axis of the ship, just as they were in the Venetian triremes, there does not seem any other possible arrangement of oars which can fit this statement. The reader is asked to compare in this connexion the figure above (p. 207).

(2) Aristotle (*de partibus animalium*, IV, 10) says (of the fingers): καὶ ὁ ἔσχατος δὲ μικρὸς ὀρθῶς, καὶ ὁ μέσος μακρὸς, ὥσπερ κώπη μεσόνεως· μάλιστα γὰρ τὸ λαμβανόμενον ἀνάγκη περιλαμβάνεσθαι κύκλῳ κατὰ τὸ μέσον πρὸς τὰς ἐργασίας.

Torr's note shows what nonsense is made of this statement if we try to interpret μέσος as 'amidships.' If, however, we interpret it as the longitudinal median line, and the κώπη μεσόνεως as the row nearest that line, the statement is plain.

(3) Galen (*de usu partium*, I, 24) writes: διὰ τί δὲ ἄνισοι πάντες ἐγένοντο [οἱ δάκτυλοι] καὶ μακρότατος ὁ μέσος; ἢ ὅτι τὰς κορυφὰς αὐτῶν

ἐπὶ ἴσον ἐξικνεῖσθαι βέλτιον ἢν ἐν τῷ περιλαμβάνειν ὄγκους τινὰς μεγάλους ἐν κύκλῳ . . . καθάπερ, οἶμαι, καὶ ταῖς τριήρεσι τὰ πέρατα τῶν κωπῶν εἰς ἴσον ἐξικνεῖται, καίτοι γ'οὐκ ἴσων ἀπασῶν οὐσῶν· καὶ γὰρ οὖν κακεῖ τὰς μέσας μεγίστας ἀπεργάζονται διὰ τὴν αὐτὴν αἰτίαν.

Here Tarn translates:

Why are the fingers of different length and the middle one the longest? In order that when they close round an object the ends may come equal. . . . So in the triremes the ends of the oars all come out even, although they are not all of the same length, for there, too, the middle oars are made longest, and for the same reason.

And here again, if we interpret αἱ μέσαι as 'the oars of the row nearest the longitudinal median line,' and assume that the arrangement is like the Venetian, the statement is apposite, clear, and correct.

(4) In Thucydides (VI, 31) we are told that when the Athenian fleet was fitted out for the expedition against Syracuse, the trierarchs gave the thranites pay in addition to that paid by the State. The scholion on the passage reads: οἱ δὲ θρανῖται, μετὰ μακροτέρων κωπῶν ἐρέττοντες πλεονα κόπον ἔχουσι τῶν ἄλλων· διὰ τοῦτο τούτοις μόνοις ἐπιδόσεις ἐποιοῦντο οἱ τριηράρχαι, οὐχὶ δὲ πᾶσι τοῖς ἐρέταις. Thucydides' statement is quite conclusive that at this period the thranites were distinctly more important than either of the other classes. This is very obvious, though for perhaps a somewhat different reason from that stated in the scholion. A longer oar might be a little more awkward to work, but physically speaking there is no difference in the force exerted, if the proportions of the loom to the whole oar are preserved. If, however, the rowers were arranged on the Venetian principle, there is a real foundation for this difference. The scholion shows that the thranites used the longest oars. Therefore, they would be the inner row. Now it is well known that on a 'varsity eight the stroke oar is the most important man in the crew. In a rowboat arranged on the Venetian principle, the inner row of oarsmen on each side formed a composite stroke. The other rows on each side could shirk a little and not lose stroke, but the inner row could not. On their skill and vigor the speed of the boat would chiefly depend. In rowing you must watch the man before you to keep stroke. In the Venetian system a man in the

second row would follow the man on his inside, because this man's oar would be just before him. Similarly the outer row would follow the second row. Such would not be the case with superposed oars. The three banks would be independent of each other, and the stroke would be kept chiefly by the beat of the keleustes. In that case we should have no distinctive difference between the banks, as difference in length of oars does not make any difference in physical effort. It only necessitates a difference in time and length of stroke.

(5) As a corollary, note the scholion on Aristophanes, *Frogs*, 1074: τῷ θαλάμακι· τῷ κωπηλατοῦντι ἐν τῷ κάτω μέρει τῆς τριήρους· τῷ θαλάμακι· οἱ θαλάμακες ὀλίγον ἐλάμβανον μισθὸν διὰ τὸ κολοβαῖς χρῆσθαι κώπαις παρὰ τὰς ἄλλας τάξεις τῶν ἐρετῶν ὅτι μᾶλλον ἦσαν ἐγγὺς τοῦ ὕδατος· ἦσαν δὲ τρεῖς τάξεις τῶν ἐρετῶν· καὶ ἡ μὲν κάτω θαλαμῖται, ἡ δὲ μέση ζυγῖται, ἡ δὲ ἄνω θρανῖται· θρανίτης οὖν ὁ πρὸς τὴν πρύμναν, ζυγίτης ὁ μέσος, θαλάμιος ὁ πρὸς τὴν πρῶραν.

This is one of the chief passages cited to show that the banks were superposed; but the inference is not logical. ἄνω καὶ κάτω means 'to and fro' as well as 'up and down' (see L. and Sc.). The last sentence in the scholion is not logical if these words here indicate vertical position. You cannot say that because one sailor is higher up, he is *therefore* nearer the stern. He might be, but it does not follow. If, however, these words are used here to imply a horizontal position, as they well might, then it does follow logically that one seaman is nearer the bow and the other nearer the stern. Tarn also thinks ἄνω and κάτω as nautical terms mean 'aft' and 'forward.' He cites in support of his view ¹ (1) the kindred use of *κατά* to describe motion into the interior of a house, (2) the custom of entering boats by the stern, first up, then down and forward, and (3) the intransitive use of *ἀναφέρω* ² to designate the act of 'recovering position' after a stroke. This act involves lifting the oar out of the water and moving the end grasped by the

¹ *J.H.S.* XXV (1905), p. 145, notes 21, 26.

² In both Thucydides II, 84, 3 and Arrian, *Anab.* VI, 18, 5, the actions described took place when there was a heavy sea on. It is just such conditions that make it difficult to 'recover,' because the oar is apt to catch in the waves. The word must therefore refer to the act of putting the blade forward by moving the part gripped back.

rower towards the stern, thus bringing the blade of the oar forward. I venture to suggest that in ἀναφέρω ('recover') the development of meaning took place from 'bear aft' as a nautical term, in which the prefix ἀνα- had the idea of direction 'aft.' One of the first principles in good rowing is to keep your eyes in the boat. Don't watch your oar. Move your hands right and the blade will take care of itself. If you were instructing a novice in the art of rowing, you would fix his attention on his hands, not his oar blade. You would tell him, 'Put your hands down. Now shove them aft. Raise and pull. Depress again; come aft, raise and pull.' The command 'Bear aft' seems a very appropriate expression for the act of recovering position. Tarn, therefore, seems to me to be right.

If now we interpret this scholion (*Frogs*, l. c.), taking κάτω and ἄνω in the sense of 'fore' and 'aft,' the passage is perfectly logical and fits an arrangement of oars on the Venetian principle. The outer row does use the shorter oar; the rowers in it do sit forward of their companions on the same bench; the inner row does sit aft; the outer row is nearest the water.

But perhaps the most satisfactory pieces of evidence from the classical period are the pictures of the warships from the Temple of Isis at Pompeii.¹ Pictures have an advantage over any other method of representation, in that it is possible to reproduce more accurately the actual appearance of a ship as she looks to someone not on board. In sculpture it is impossible to represent the projections of oars from the side of a vessel unless she is carved bow on. In a painting, perspective can be more easily depicted. These paintings are undoubtedly somewhat crudely done; but the artist must obviously have intended them to look like ordinary war ships, and, therefore, for facts which do not depend upon technical accuracy, the facts stated are most important.

There are two pictures, one showing two warships passing each other at full speed, the other showing one sinking, only the extreme stern remaining out of the water, and the other ship rowing off. The three warships under oar all show but a single bank of

¹ *Le Case ed i Monumenti di Pompei disegnati e descritti*, by Fausto and Felice Niccolini (Napoli, 1854-96), vol. I, Pt. II, no. 10, Plate IV. See also Torr, *op. cit.*, Plate VII, fig. 35 and fig. 36.

oars. That is, in each of them, all the oars issue from the ship's side in the same plane and all extend the same distance from the side. If the artist had labeled them as triremes, the evidence would have been conclusive that at that period, about 50 A.D., all the banks of a trireme were in the same plane, or, in other words, were arranged on the principle of the Venetian triremes. There are, however, certain other facts which are almost as conclusive. Tarn writes me that at that period triremes were still in common use, and therefore these boats were probably triremes. Second, they could not well have been 'monereis.' In a boat propelled by a single line of rowers on each side, the oars would issue at intervals of from 3 to $3\frac{1}{2}$ feet. In the pictures the oars are represented by a series of close-set lines on each side. No single-banked ship could possibly have presented such an appearance. If, however, we take the fifteenth-century woodcut of the Venetian triremes, reproduced by Tarn,¹ and imagine such a boat seen in motion, it seems to me that the casual observer would see the oars as a close-set fringe just as here painted. Third, all the three boats in motion have *παρεξειpeσiai*, or outriggers. This was not necessary and would not be used on a 'moneris,' but was needed and was used on the triremes or larger 'polyereis.' Fourth, they are all cataphract.

It seems clear, therefore, that these warships represented triremes or some larger boat; and, if so, it follows that at this period triremes had their banks all on the same level, which was possible only if the oars were arranged on the principle in use in the Venetian triremes. Admiral Serre recognizes this without any question. He contends that the Venetian triremes were the direct successors of these boats. He thinks the Athenian triremes were differently arranged; his reasons for so thinking are not founded on any evidence, but only on his opinion as to the best method of rowing a trireme. On the other hand, Anson's² descriptive catalogue of Greek coins, arranged according to subject-matter and accompanied with numerous reproductions of each class of coin, gives illustrations of various coins showing nautical subjects. I have

¹ *L.c.*, p. 138.

² *Numismata Graeca: Greek Coin Types Classified for Immediate Identification*, by L. Anson (London, 1919), Sect. I, Part V.

examined his entire list of such reproductions, which include various representations of ships, in part or in whole; in every case where oars are represented there is only one bank, and many of them represent this bank as a close-set fringe of many oars, as nearly like the oars in the Isis-pictures as it is possible to conceive. These coins range in date from 500 B.C. down to the time of the Roman emperors. It appears, therefore, that what may be called the Isis-type is not, as Serre thought, a recent invention, but the continuation of an older arrangement; and as the trireme was clearly the warship during the earlier period, it is probable that these coins and the Isis-ships all represent triremes.

The bas-relief of a warship found on the Acropolis, which Torr dates about 400 B.C., is confidently referred to by Köster as proving the superposition of the oars on the Athenian triremes; but the relief in its present condition hardly seems to justify such a conclusion. The relief shows a part of a galley of some sort and has seven full figures of oarsmen and parts of two more. Running longitudinally along the vessel's side are three heavy timbers about equal distances apart, and above the top one there is a slighter timber supported on it by short posts. Let us call the heavier pieces stringers, and the lighter one a rail. There is only one line of rowers, and from their outstretched hands extend diagonal lines, sloping down and forward, which undoubtedly are intended for oars. In Torr's drawing (Plate V, fig. 21) not one of these lines crosses the rail on the outside, and only one, the first on the left, crosses the top stringer externally. Tarn quotes a report by R. C. Bosanquet, from an examination of the original, that the oars of nos. 3, 6, and 8 also appear to pass over the top stringer. Further, there are shown two other diagonal lines forward of the rail oar and parallel with it. These start from the underside of the top stringer, the one nearest the oar extending to the water surface, the other reaching only to the top of the bottom stringer. In addition, a fourth diagonal extends in a substantially parallel line from the under surface of the bottom stringer to the water, and its direction is continued on the top side of the stringer by a knob. None of these other diagonal lines appears to cross any of the stringers.

The reproduction given in Köster (p. 117) looks like a photographic copy of the original, but its provenance is not stated. In this copy, however, it should be noted that the shadow of the top stringer crosses all the diagonal lines, which would seem possible only if the carving had been intended to represent them as emerging from under it.

It seems to be generally admitted that the position of all these lines in regard to the stringers had originally been brought out by color; but as that has now disappeared it is impossible to use the suggestion except as a possible means of showing that what is left is not necessarily inconsistent with a theory otherwise supported by evidence. For example, a peculiarity of the Venetian system is that the oars appear to issue from the vessels in bunches of three. Now in the relief we see three diagonal lines, one of which is clearly an oar, emerging from the underside of the top stringer in bunches of three just as in the Venetian system. The fact that two of them do not now appear to cross the two lower stringers may well have been originally corrected by color. Therefore it is not possible to say that the relief does not correspond to the Venetian system merely because they do not now appear to cross the stringers.

It would, of course, be equally permissible to argue that the relief was not inconsistent with the theory of superposed banks, provided that arrangement was otherwise supported by the evidence. But to reverse the process, as Köster does, and to argue from the relief only that the banks were superposed, is not permissible. To argue that the diagonals stretching down from the lower stringer only and continued by a knob on the top of it, represented the thalamite oars emerging from an oar-port represented by a knob is not only to disregard the evidence of the third diagonal extending part way down from the top stringer, but to make a projection into a hole, which seems somewhat violent. According to the report of Bosanquet, the surface is 'much weathered and perished.' In such circumstances it would seem proper not to regard it as by itself positive evidence as to the arrangement of the oars.

Similar difficulties beset us when we try to use the relief from Praeneste. Torr reproduces this in Plate V, fig. 25. The relief shows the prow of a rather heavy looking vessel carrying a turret

forward. It probably represented one of the larger warships, not a trireme, for there are only two banks. It could not have been a bireme with the oars on two levels, for the oars are too close together. A comparison of the reliefs of the Assyrian warships (see Torr, Plate II, fig. 10 and fig. 11) will show this at a glance. If there had been only one row of oars on one plane, it might have been a trireme arranged on the Venetian system. The most probable explanation is that suggested by Tarn. It is his opinion that on the larger 'polyereis,' the ten-banker, for example, the oars were arranged in two levels, each having five banks arranged on the Venetian system, that is, a lower deck with five rowers to a bench, and a higher deck with the same.

Such an arrangement would produce an apparently continuous fringe of oars on two different planes, which is what the artist has produced, although all the proportions are wrong. Torr has advanced the argument that one of the boats represented on Trajan's column shows three banks of superposed oars.¹ It is undoubtedly true that one of these boats does indicate this. On one part of the column three boats are represented. Two of them have a double line of oars projecting at different levels. The boat between them has three lines of oars at three different levels. But it does not seem certain that it represented a trireme. The fact that the artist paid no attention to such details as the proportions between the size of the boats and the men in them, or to the space between the oars and other items, does not, of course, warrant a disregard of his evidence, provided we know what facts he wished to depict. That he intended to record the fact that boats were used is evident. It seems also apparent that he meant to record them as warships, as they have rams; but it does not seem at all certain that he meant to record a statement that two kinds of warships were used. We know that a bireme² with oar-banks on different levels was used by the Phoenicians, since they are shown on the Assyrian reliefs. We know that they were used by the Greeks, since they are depicted

¹ I have taken my description from *Die Reliefs der Trajanssäule* by Conrad Cichorius (Berlin, 1900).

² This word is not used in a technical sense, but merely as indicating a vessel with two banks of oars.

on their vases. It has occurred to me that they were possibly the kind of galleys the Greeks called 'hemioliai.' The oars of the lower bank coming as they do just half way between the oars of the upper bank would seem to make the name quite appropriate.

The Byzantine 'dromons' of a later period seem to be boats of such a type.¹ Moreover, ships of this type have an advantage over the trireme which may well have served to make them supersede it. The superstructure or *παρεξειρεσία* was, of course, weighty and tended to make the boat top-heavy. That it was a distinct weakness is shown in the sea-fights at Naupactus and Syracuse. Without it a smaller number of men could attain the same speed. On a trireme arranged in the Venetian manner, the oarsmen could not sit quite so close together as when there was only one row. On a bireme with the rowers at different levels they could. I estimate that such a bireme of the same length as a trireme with 85 men to the side would have about 70 men to the side. With the saving in weight by elimination of the *παρεξειρεσία* it might even be faster. It is possible that this may explain the use of biremes by the Romans during the empire. Now as all the other boats on Trajan's column are of this known type, it is quite possible to maintain that the third boat with its three rows was simply a mistake of the sculptor. There is another fact which supports this contention. In those boats which show the rowers at their posts, there are two lines of rowers, one inside the other. The men of the inner row sit half way between the men of the outer row. The boat with the three lines of oars has the same double row of oarsmen as the other boats and they sit in the same manner. It appears to be quite certain, therefore, that the artist was trying to carve a bireme, and that carving the oars at three levels was a mistake. It is, moreover, far from evident that the sculptor cared for precise accuracy of detail. It seems to me, therefore, that the evidence is too uncertain to justify an inference that boats of three superposed banks were in use. At all events this boat could not have been a trireme, as it has no *παρεξειρεσία*, and as it does not conform to Galen's evidence and to the positive evidence above cited.

In Arrian (*Anab.* VI, 5, 2) we read: αἱ δὲ μακρὰ νῆες οὐχ ὡσαύτως

¹ Leo, *Tactica* XLX.7.8, 9 — cited by Torr, *op. cit.*, p. 18.

ἀπαθεῖς ἀπήλθον ἐν τῇ ἐπιστροφῇ, οὔτε μετέωροι ἐπὶ τοῦ καχλάζοντος κύματος ὡσαύτως οὔσαι, ὅσαι τε δίκροτοι αὐτῶν τὰς κάτω κώπας οὐκ ἐπὶ πολὺν ἔξω ἔχουσai τοῦ ὕδατος.

This statement occurs in a description of the passage of the rapids in the trip down the river Hydaspes. The transports, being broader of beam and higher, lifted on the crest of the waves; 'but the warships did not get through so well, not being lifted up on the crest of the waves, those that were δίκροτοι not having their κάτω-oars much above the water,' while the oars of those which were caught across in the whirls were broken, at least as many as were caught in the water and not raised in time.

Tarn (p. 144) thinks this passage is positive evidence that the expression δίκροτοι does not refer to the arrangement of the oars. His argument appears to be that the only warships were the 'triakontors' and 'hemioliai,' and that the 'hemioliai' were not δίκροτοι. Therefore δίκροτοι does not mean double-banked, as is commonly supposed. There are two defects in this argument. In the first place it is obvious that only those warships were affected which were δίκροτοι, and they were affected because their κάτω-oars were near the water. Obviously, in rough water ships with higher oar-ports could more easily clear the waves on the recover. κάτω, therefore, must here signify that the δίκροτοι-warships had some ports lower than the others, and this difference must have been really material. The context, therefore, it seems to me, clearly implies lines of oars at two different levels. Secondly, the evidence cited by Tarn to the effect that the 'hemioliai' were not double-banked ships does not seem to me conclusive. The first passage cited by him (p. 145, n. 23), is Appian, *Mith.* 92, to the effect that the pirates originally used 'myoparones' and 'hemioliai,' later δίκροτοι, and triremes. This does not seem to prove that 'hemioliai' were not the same as δίκροτοι. It is not at all uncommon for a writer to use two words having the same meaning for the sake of variety merely. The passage, therefore, does not seem to me to constitute a clear contradiction of Hesychius' definition ἡμιολία· ἡ δίκροτος ναῦς. The passage from Photius (*s.v.*) does not seem to help us much; and the fact that 'hemioliai' were used by the pirates, while it undoubtedly proves that they were useful and fast, does not prove

that they were not arranged like the boats shown on the Assyrian sculptures and the Greek vases (see Torr, Plate II, fig. 10 and fig. 11, and Plate IV, fig. 17) and the boats on Trajan's column. The Byzantine 'dromons' were also arranged in this way (see Leo, *Tactica*, XIX, 7, cited by Torr, p. 18). This arrangement of oars has certain distinct advantages over a trireme's, as I have already shown, and an arrangement used in warships at earlier and later periods certainly cannot be dismissed as a 'fancy arrangement of oars.'

Assuming that Tarn is right, that Alexander's warships were 'triakontors' and 'hemioliai,' the 'triakontors' certainly had not two sets of oars, on two materially different levels. If, however, the 'hemioliai' had oars arranged like those on the Assyrian sculptures, like those on the Greek vases, and like the boats on Trajan's column, they would exactly fit the requirements of Arrian's narration. It is certainly probable that an arrangement of oars, useful in itself, that had been previously, and was subsequently, in common use, was also in use in the intervening period. I infer, therefore, that the 'hemioliai' were boats with two banks of oars arranged in the manner described. The chief objection to the theory is that it does not seem to explain what 'triemioliai' could be. If the 'hemioliai' were ships in which there was a rower at a lower level, placed between the regular oarsmen, then 'triemioliai' would seem to mean ships with two oarsmen so placed between them; but how this could be arranged I cannot conceive. Of course such an arrangement is mechanically possible; but what I cannot understand is how it could be arranged so as to be effective. Nevertheless, despite this objection, it seems to me improbable that an arrangement of oars which had been in use so long before the time of Alexander, and was again in use after his period, could have fallen completely into disuse in such an intervening period. The name 'hemiolia' itself also fits in with this proposed arrangement of oars. On the whole, therefore, it seems to me probable that the 'hemioliai' were vessels of this same type.

Cook differs from Tarn in the allocation of the names thranite, zygite, and thalamite. Tarn thinks they designate squads, that is, the thalamites the squad rowing in the bow, the thranites that

rowing in the stern, and the zygitēs that rowing amidships. Cook thinks the thranites were the row next to the middle line from bow to stern, the thalamites the row next to the side of the vessel, the zygitēs the row between them. My own opinion agrees with Cook's, but as either view is consistent with an arrangement of oars on the Venetian principle it does not seem necessary to discuss this question further now.

Cook also suggests that the arrangement differed from the Venetian to this extent, namely, that the three lines did not sit on exactly the same level, but that the thranites sat slightly higher than the zygitēs, and the zygitēs than the thalamites. This may be best seen in the reproductions of the model shown in Cook's article referred to above. This theory would satisfy the scholion on Aelian, and the passage in Lucan (*Phars.* 3, 530), which are cited by Tarn (pp. 204 f.), and which he says are all the evidence that he has been able to find in support of the commonly accepted idea of superposed banks. This last statement is apparently influenced by Tarn's opinion that the scholia and the definitions of lexicographers are not evidence, for on p. 142 he cites various scholia and definitions, some of which at least are certainly cited by Cartault¹ as the evidence on which he relied for his conclusion that the banks were superposed.

The first of these is the scholion on Aristophanes, *Frogs*, 1074, already discussed. Most of the others are abbreviated forms of the same explanation and depend on the meaning to be attached to the words *κάτω* and *ἄνω*. Two of them we have not yet considered, viz. (1) Eustathius, 640, 11: *θαλαμίται καὶ θαλάμακες ἐρέται οἱ ὑπὸ τοὺς θρανίτας*. Now *ὑπό* is used commonly in the sense of 'subordinated to,'² and the passage may possibly reflect some idea that the stroke was given by the thranite oarsmen. (2) The second is Pollux (1, 87): *καλοῖτο δ' ἄν καὶ θάλαμος οὗ οἱ θαλάμιοι ἐρέττουσι· τὰ δὲ μέσα τῆς νεὼς ζύγαοὺ οἱ ζύγιοι καθήνται, τὰ δὲ περὶ τὸ κατάστρωμα θράνος, οὗ οἱ θρανῖται*. According to Torr (p. 49) the *κατάστρωμα* was a deck extending over the heads of the rowers; but, if so, it is certainly difficult to see how one row of the oarsmen could sit round it. If,

¹ *La Trière Athénienne*, by A. Cartault (Paris, 1881), pp. 128 ff.

² Liddell and Scott, *s.v.*

however, this definition harks back to a time when there was no overhead deck, so that *κατάστρωμα* means the raised gangway which ran from the half-deck aft between the two inner rows of oarsmen to the half-deck forward, the definition fits very well with the Venetian arrangement. That there was such a gangway is shown by Pollux, 1, 88 (*supra*).

The result of the foregoing argument would seem to be this: all the positive evidence points to an arrangement of oars on the triremes similar to that used on the Venetian ships. The only evidence that can be cited in favor of superposed banks is, to say the least, of doubtful value and of doubtful meaning. Cook reports that Fincati experimented with Venetian barges arranged in the two conflicting methods, the superposed and the side-by-side: 'He found that, while the former was almost unmanageable, the latter gave the surprising speed of nine knots an hour.'¹ It would seem difficult to find a more satisfactory confirmation of my argument.

[*Addendum*.—Since writing the foregoing my attention has been called to Tenne's monograph *Kriegsschiffe zu den Zeiten der alten Griechen und Römer* (Oldenburg). The arrangement of oars there proposed is inconsistent with the evidence of Thucydides. According to Tenne only the *thranites* used the outrigger; in that case the dislodgment of the outrigger could not have put all the oars out of commission as Thucydides records (see pp. 210-212, *supra*).

I have also seen the appendix (No. IV) in Tarn's *Hellenistic Military and Naval Developments* (Cambridge University Press, 1930), from which it appears that the suggestion thrown out above that the double-banked ship was called 'hemiolia' may be wrong; but that such a vessel was in use still seems probable to me. — F. B.]

¹ See *Companion to Greek Studies*, edited by L. Whibley (Cambridge University Press, ed. 3, 1916), p. 582.

NEW KELTIC INSCRIPTIONS OF GAUL

BY JOSHUA WHATMOUGH

IN THE course of a tour made some time ago throughout France for the purpose of examining Gaulish inscriptions preserved in various museums or in private possession I observed and copied several inscriptions which, so far as I know, are not yet published. With one exception they are all from Provence. Since my edition of all the known texts has been delayed by other work, and is likely to be delayed some time longer, I have decided to publish these new texts now, short as they are, in order that they may be made available to others. One of them at least (no. 1) shows a form of special interest.

(1) An enormous stele, 6 ft. $2\frac{1}{2}$ in. high, found near St. Remy de Provence, and belonging to the municipal collections now in the Musée des Alpilles at St. Remy.¹ It is a huge block of the local white stone, discovered some time before 1929, of a well-known type of funeral monument — there are in all three specimens at St. Remy (cf. Dottin, *La langue gauloise*, nos. 4, 5), and others at Cavaillon. That is to say, it tapers gradually in thickness from the ground up, almost its entire height, and then rapidly so as to form a pyramid at its top. This particular stone measures 17 in. wide (from side to side), 19 in. thick (from front to back) at the bottom, 13 in. and $13\frac{3}{4}$ in. respectively at the point at which it terminates in a pyramid of $10\frac{1}{2}$ in. in height, the lateral edges of each side of the pyramid being 13 in. long. There is an incised triangular panel within the front face of the pyramid, making an ornamental border.

The inscription itself stands near the top of the front face of the stele proper, the first line being placed just 3 in. below the top edge. Its three lines of text occupy the next thirteen inches of that

¹ I have to acknowledge the kind help which I received from M. le Brun, Director of the Museum, and of his colleague M. Vanel, at St. Remy.

face, the rest of which is blank. Several letters are damaged, but the inscription is complete, and reads, from left to right

ΤΙΟΡΕΙ

Ε(Κ~~Ε~~ΤΡΟΡ

ΔΟΥ

in the Greek alphabet commonly employed in the Gaulish inscriptions of Provence, that is

τιορει | εσκε.γορ|ου

The letters vary in height from 2 in. (τ in l. 1) to $1\frac{3}{4}$ and $1\frac{1}{2}$ in. (the small circular o in l. 1; contrast the lozenge-shaped o of the second line, and of l. 3), and to $\frac{5}{8}$ in. (the very squat γ of l. 2). The last letter of l. 1 is not quite straight, but it is unmistakably ι , not σ , and it is followed by space for two letters left blank, without trace of missing or broken letters. We may confidently regard it as ending a word. In l. 2 the fourth letter is badly damaged; there is, however, the trace of the outline of a semicircle on the left-hand side of the letter, as if a rounded ϵ , or o , had stood there, but the rest of the letter is completely lost. Of these two, ϵ or o , the latter is impossible. In this word we might have expected either ϵ or ι , but not o (see below). After the damaged ϵ comes what appears to be merely the top cross-bar of τ , or the top stroke of γ , although the stone itself is not damaged. This letter (it should have been γ) apparently was never finished. The ρ of this same line is rectangular, but it is not π , whereas in l. 1 ρ has its hook curved to make a closed semicircle. Such variations (compare the forms of o) are not unusual, and need arouse no suspicion when curved and angular forms appear side by side on the same stone in more than one letter. In l. 3 one letter has been broken away at the extreme left. On epigraphical grounds the inscription may be dated *c.* 150 B.C.

The text is to be read *Τιορει Εσκεγγορ[ι]ου*, two proper names, both dative singular masculine. We have already in Gaulish *Escingos*, *Escingus*, *Esciggorix*, *Εσκιγγορειξ*, *Ἐξκιγγόμαγος* (Strabo), *Scingomagus* (Pliny), *Εσκεγγαι* (dat. sg. fem.), and *Escengolatis* (see Holder, *Altceltischer Sprachschatz*, i. 1467 sq.). In *Εσκεγγοριου* we have a derivative of *Εσκεγγο-*, *Escingo-*, and in *-orio-* a formative element which like the dative singular of *o*-stems (*-u*, *-ov*) is well attested (Holder ii. 878; Dottin, pp. 40, 117). The name which precedes it is now recorded for the first time. It is, and this is more important, clearly a dative singular of an *i*-stem, with a termination hitherto unrecorded in Gaulish inscriptions. For (1) *Βηλησαμι* is more probably an *ā*-stem (cf. the nominative, which is *Belisama*); (2) *r*-stems would presumably show in the dative singular *-i* (not *-ai* or *-ei*), like the nasal and guttural stems (Dottin, pp. 119 sqq.); and (3) the Old Irish shows palatalization (e.g. *faith*), and in Gaulish itself the form *Vcuete* (*Vcuetin* acc.), which is all that has been available so far, shows an ending that goes back to *-ei*, now happily attested and comparable with the *-ei* of Oscan, as in *fuutretē*, where Umbrian shows *-e*; that is, it is an old locative ending, I. Eu. *-ēi*. The stem *Tio-ri-* appears not to have been recorded hitherto; but we have already *Tio . . .*, *Tio-ccio-*, *Tio-gilus*, *Tio-mace*, *Tio-ti-ginus* and others (Holder ii. 1845 sq.).

(2) In the same Museum, I was shown a slightly damaged flat patera of red earthenware covered with a black varnish, 10 in. in diameter, and bearing a graffito of one word engraved near the rim in letters of unequal height. The patera came from a tomb dated in the second or third La Tène period discovered at Le Mas de Cloud (quartier de la Galliene), and was given to the Museum by a M. Brèmond, 'agent-voyer.' Again in the Greek alphabet of Provence we have

εβουρος

a well-known Gallic name with many derivatives. It is already known at least once in the same spelling in the Greek alphabet; in the Latin alphabet it is more commonly written *Eburus* (see Holder i. 1402). The letter *o* in this inscription is, as regularly,

small; the other letters have twice or more than twice its height, especially β which is tall and narrow; σ , as usual, is C.

(3) From a Gallic coin discovered at St. Remy (see Muret-Chabouillet no. 4364) the name $\Sigma\mu\epsilon\rho$ (abbreviated, cf. *Smerius*, *Smertorix* and others ap. Holder ii. 1592 sq.) was already known. It now appears also on a patera similar to the above (no. 2), also of red ware covered with a black varnish, broken into many fragments and subsequently restored, also now in the Musée des Alpilles. It is $9\frac{3}{4}$ in. in diameter, and at the edge, on the rim itself, in letters τ and $\frac{1}{2}$ in high respectively I read (in the Latin alphabet)

SV

that is *su*, evidently an abbreviation of some name, then, $3\frac{1}{2}$ in. to the right, in much smaller letters, $\frac{3}{16}$ in. high, graffito

CMЄP

in which only ϵ is incomplete. A crack runs through all four letters and at the third the varnish has flaked off, carrying away the lower half of the letter. But the reading is certain.

(4) Another similar patera, $10\frac{1}{2}$ in. in diameter, red ware with black varnish, shows the inscription (incomplete or abbreviated), just inside the rim, in Latin alphabet

VIS

Compare perhaps the names in *Vis*- collected by Holder iii. 402 sqq.

(5) Together with the above I was shown at St. Remy a broken piece of white stone measuring roughly 5 in. in all three dimensions, the fragmentary inscription on which, in two broken lines, may or may not be Gallic. Even the alphabet is uncertain, though it is perhaps to be counted Greek rather than Latin. The stone is now affixed to the wall of the Musée des Alpilles near the entrance. I read

AYOT.
NI

that is, perhaps,]αυοτ.[|]νι, in which *v* and *o* are damaged at the top, and *τ*, if *τ* it be, has lost its cross-bar. This last letter is followed by a slanting stroke belonging to the next letter, but too little remains to show what that letter was (hardly *ι*?). Does this inscription add another occurrence of the already well attested *avot* (Holder i. 317, iii. 780), the meaning of which is disputed? It is possibly, as is often suggested, a noun meaning 'worker, craftsman'; unhappily the present inscription is too fragmentary and too uncertain to confirm or to refute that suggestion.

(6) To these five I add a brief account of another fragment, not from Provence.

It is not clear whether the incomplete text that follows is Keltic or merely Gallo-Latin. So far as I have been able to discover, there is no record of its previous publication. It stands on a fragment of granite, itself broken into two pieces, now preserved at Guéret (Creuse) in the Museum maintained by the *Société des Sciences Naturelles et Archéologiques de la Creuse* in the old *Palais* within what is now the 'jardin publique.' Presumably this broken line of letters is part of the last row of an inscription of several lines; it is broken on the left and right hand sides, and also in the middle, and reads

]modenac[

that is, perhaps, a proper name, of a man, or an ethnicon, *Mod-enac*-[*us*, -[*o*, or -[*ensis*, or the like (cf. the names in *Mod*- cited by Holder ii. 605).

The stone measures 31 in. long, 15½ in. high, and 16 in. thick. The letters are 3 in. (*m*) or 2½ in. (*o*, *d*) high. *m* has lost its left hand limb, and *d* its top angle; all three cross-bars of *e* are chipped, and *a* (if *a* it be) lacks its cross-bar; the final *c* breaks off with the broken edge of the stone. Below the line of text is a space of 8 in. in height left blank except for a (later?) cross, thus + (the upright is 4 in., the cross-bar 5 in. long), beneath *m*, the significance of which it is hardly worth while to conjecture. If my reading *Mod-enac*[is correct we have what is probably an ethnic name, hitherto unrecorded, I think, by direct testimony, but justified by comparison with the modern *Monnaie* (Tours, Indre-et-Loire).

SUMMARIES OF DISSERTATIONS FOR THE DEGREE OF PH.D., 1932-33

JOHN HUSTON FINLEY, JR. — *Quo modo poetae epici Graeci heroas sententias
fabulas moribus publicis accommodaverint*¹

THE present study is undertaken as the first part of a longer study dealing with the effect on Greek poetry of the rise of the city-states. The method used is one of comparison between the poets of the heroic and those of the nationalistic ages in their use of three literary forms mentioned in the title, the ultimate purpose being to show, first, that the lyric and tragic poets interpreted these forms in a different spirit from that in which they were conceived by the epic poets and, second, that this difference of spirit can be interpreted only in the light of changed political circumstances. That Homer and Hesiod were national poets in the sense that they composed in a tradition perfected in a feudal age when the ruling nobility acted as a strong bond between the various parts of Greece, and that they appealed consequently to Greeks everywhere, are well known facts. Equally well known is it that the choral and tragic poets composed their works for ceremonies intimately connected with the life of the individual city-states. These facts, then, are the basis of the comparisons to be undertaken between the poets of the earlier and the later age. For it is apparent that, in their portrayal of the heroes and in their use of aphorisms and myths, the latter would be moved by influences of cantonal or nationalistic feeling unknown to the former. And as the relationship of the poets of either age both to each other and to their own times is well recognized, so is the greater part of the material on which the study is based. The tracing of changes in the above-mentioned forms is largely a consecutive treatment of their development in the light of a method of interpretation. The present essay forms the first half of the completed study and discusses the use of the three forms in Homer, Hesiod, the Homeric Hymns, and the Trojan Cycle.

¹ Degree in Classical Philology.

The conclusions reached concerning each of these are the following.

(1) In the *Iliad* the heroes are portrayed as members of a feudal nobility, active in war, able in council, and the description of them in both capacities implies a knowledge by the poet and his hearers of the duties which must, in fact, have rested in such an age on the ruling class. The author's silence concerning other classes appears not to come from deliberate oversight, but to be the true mirror of a time when power was in the hands of the nobles alone. It is argued, further, that this fact is the basis of the greatness of the *Iliad*; for since, in comparison with later ages, men were then largely at one in their admiration of, and dependence on, the nobility, a poem which reflects such an age would portray its characters not only as men of the largest responsibility but as dealing actually with the deepest issues of war and government.

The part played by the heroes both in religious observances and towards the gods themselves is discussed, and in the case of the former, it is argued that the full development of choral poetry was unknown to the heroic age and that in attributing to single characters both prayers and, in the case of the eulogies pronounced over Hector, speeches of a lyric cast, Homer reflects a period when the common people were as yet largely without voice. This observation is confirmed by the fact that the gods in the *Iliad* are not portrayed as caring for society as a whole but for individual heroes. Homer does not in the *Iliad* cause the gods themselves to vindicate the general principles of justice, although in a simile (XVI 384-8) and in the speeches of certain characters, as constantly in the *Odyssey*, they are represented as so doing. This can only be because it is the poet's purpose to treat of the heroes and not of society as a whole. When it is remembered, however, with what detailed accuracy Homer describes the acts of the heroes in council and war, their connection with the gods can appear only as an intensification of the majesty ascribed to them, not in any sense as an indication that they appeared to him as objects of worship. Such an explanation of the care of the gods for the heroes would destroy, it is argued, the faithfulness of Homer's portrayal of the feudal age and of the men who dominated it.

The same questions, with what faithfulness, namely, the heroes are portrayed in their relation to feudal society and in what sense they are

connected with the gods, are discussed in the case of the cyclic poets; and that these authors imported many fabulous elements into the tale of the Trojan war and, in addition, ascribed at times miraculous power and immortal life to the heroes, is judged an indication not only of the greater remoteness of the feudal age to these poets, but also of their increasing tendency to associate the heroes with the institutions, civic and religious, which they themselves knew. The essential character, however, of the Greek epic as of national and not of cantonal scope prevented these poets from fully associating the heroes with the life of their own day, a step which the lyric poets were the first to take.

Since the question in what ways the poets of the city-states portrayed the heroes, although falling outside the present study, is touched upon briefly, a few words may be added here concerning it. Two tendencies, already observed in the cyclic poets, will be found to exert yet greater force upon the lyric poets and the tragedians. First, since in the life of Greece the nationalistic had succeeded upon the feudal age, the heroes were no longer exclusively or even largely portrayed as nobles skilled in outgrown methods of war and council, but being worshiped in local cults and associated with the beginnings of national and religious institutions were invested with a semi-divine authority. Thus it was natural that the poets who composed their works for the ceremonies of one or of several city-states should praise in each the heroes associated with it, setting forth their benign influence and exposing them as models to the youth. As such, they will be seen to have not only a religious but a nationalistic significance unknown to Homer. And second, since the tragedians especially were not content to treat briefly of the heroes as the protectors and models of nationalistic life but followed the epic poets in a fuller treatment of their feats — in other words, in so far as they portrayed them acting — it was natural that they should invest them with the arts of contemporary statesmanship. This, indeed, was the more inevitable since Homer had originally portrayed the heroes as leaders and councilors. In this sense also, therefore, the heroes achieved a new significance in the city-state at the hands of the later poets and had attributed to them many conceptions of politics and statecraft which Homer would not have known.

(2) It is insisted upon that the models of the heroes of the *Iliad* were

the nobility of the Greek feudal age. It follows directly from this fact that general aphorisms have of themselves no great weight in the poem. The poet's interest being to portray the heroes in the exigencies of the war, aphorisms are of use to him only as they would appear naturally in the speeches made by the heroes in support or explanation of some intended act. The case is otherwise in the *Odyssey*, in which, in those scenes at least which are laid in Ithaca, only Odysseus and his family are of heroic station and have direct dealings with the gods, and even for them, as for all the other characters, the action turns on questions of a merely human interpretation of justice and public policy. The peculiar place of the aphorism in Greek literature is apparent in the scenes where such questions are discussed. National beliefs concerning justice and retribution, manners and social law, are aptly expressed in such general utterances, which appear thus as the traditional expression of the wisdom of communal life.

That they are such is yet more apparent from the *Works and Days*, where the poet, seeking to give advice on questions of private and public morality, finds his natural vehicle in the aphorism. Two characteristics of this form of utterance in the *Works and Days* are discussed. First, aphorisms concerning justice, retribution, necessity, and the like are often strengthened by allegory and are commonly expressed in words more appropriate to describe animate than inanimate things. And second, the working of such general laws is sometimes further illustrated by longer allegorical myths. These, indeed, are known from the *Iliad* in the stories told concerning Ate, the Litae, and the jars of good and evil lots. The important difference, however, is to be noted, that in the *Iliad* these stories are told by the heroes to illustrate their own acts, whereas in the *Works and Days* they set forth the working of divine law itself. Finally, it is observed of Hesiod that the numerous aphorisms of the *Works and Days* are an indication of the extent to which his interest is in contemporary problems, since, as has been already observed, the aphorism is the form in which such problems were expressed.

Because the cyclic poems are known to us only from fragments and from the summaries in Proclus it is impossible to say to what extent aphorisms were used in these poems. The connection, however, of allegory and aphorism has been noticed in the case of Hesiod. When,

therefore, Stasinus in the *Cypria* not only explains the Trojan war by telling Zeus's design for ridding the earth of its excess of men, but also gives what is seemingly a prominent part to allegorical personages, it is apparent that, unlike Homer, he is not content to set forth the deeds of the great heroes of the feudal age, but rather, like Hesiod, would interpret these by moral laws phrased in allegory.

In the second part of the study the attempt will be made to show how, by attributing allegory and moral aphorisms to choruses of citizens, the lyric poets and, in their footsteps, the tragedians reflected the new importance of civic and religious feeling in the life of the city-state. It was observed of the *Iliad* that many considerations tend to show that choral poetry was little developed in the heroic age. The advance, then, of this form of poetry followed the awakening of nationalistic life, and that citizens, performing in chorus at local ceremonies, should express through traditional aphorisms the inherited social wisdom of the Greeks is only another indication of the fact that Greek literature in this age drew its inspiration from the city-state. It will further be noted that, in concluding the stories of the heroes by moral judgments expressed often in allegory, the lyric poets, like Stasinus, cared less to illustrate the life of the heroic age than to deduce from the heroic stories social and religious precepts for a new age. Finally, it will be shown that the elegiac poets, treating the problems of nationalistic life, used this form to exhort or to advise their fellow-citizens.

(3) Finally, myths are discussed and, of these, especially the so-called aetiological myths. From what has already been said concerning Homer, the reasons are clear why no myths of the latter sort are found in his poems. Conceiving the *Iliad* and the *Odyssey* in the image of the heroic age, he neither mentioned nor, indeed, should be thought of as knowing the stories which were told to explain the origins of civic and religious practices of a later day. Such myths as are included in the *Iliad* occur, to a large extent, in the speeches of the characters and are used by them to illustrate a course of action. Thus, like the allegorical myths already mentioned, they are not valued by Homer for themselves but serve, rather, to illustrate the acts and words of the heroes.

The great repository of aetiological myths is the *Catalogue of Women*

or *Eoiae*, ascribed to Hesiod, and almost certainly by the same author as the *Theogony*. In this poem are mentioned the eponymous founders not only of the three branches of the Greek people but also of many cities and districts of Greece. Thus far, then, the poem treats of a present, not a bygone age. As in the *Theogony*, however, the author is more interested to set forth the myths in proper order than to explain them in relation to contemporary life, and in this respect, therefore, does not undertake to illustrate the life of the separate Greek peoples. The verses in praise of kings at the beginning of the *Theogony* seem not less illustrative of the spirit of the *Catalogue*, which, by its very nature as an epic poem, appealed, under the aegis of the noble class, to Greeks everywhere.

In contrast to the *Catalogue* are the *Homeric Hymns* to Demeter, Apollo Delian and Pythian, and, to a less extent, that to Hermes, in all which myths are told in explanation of the ceremonies participated in by their hearers themselves. These hymns, therefore, are perfect examples of aetiological poems and have direct bearing on certain specific places and practices. They are not, however, from the nature, once more, of the epic age and epic tradition, composed for one people or one city.

Finally, as has been already noted, the cyclic poems contained myths which, unlike those of Homer, no longer illustrate the acts of a great feudal nobility but the civic and religious institutions of a later age.

From what has been said above, it is apparent how the aetiological myths will be discussed in the second part of the study. That the lyric and the tragic poets frequently used such myths to illustrate national origins needs no saying and is, indeed, only another proof that Greek literature in this age gained its impulse from the city-state.

RUTH EVELYN MOORE. — *Quales vocales ex Indogermanicis Ъ et Ы in lingua Graeca exortae sint*¹

THE subject of the present investigation — the treatment in Greek of the reduced grade of original Indo-European short vowels — is at the start beset with difficulties. All problems connected with Ablaut relationships are in their very nature controversial, inasmuch as they deal with changes which took place in prehistoric times and depend on factors of which we have no direct knowledge. Until fairly recent years, the very character of the vowels resulting in this reduced grade was not recognized. Brugmann, in his monumental *Vergleichende Grammatik der indogermanischen Sprachen*, — gave no satisfactory account of them. Hirt, however, has effectively demonstrated the necessity of postulating the existence of two reduced vowels as an intermediate stage between the normal and vanishing grades, and within recent years, most prominent scholars have become converted to his views. Even within this group, however, there is acknowledged uncertainty as to the precise conditions under which these reduced vowels received their several treatments in Greek. To distinguish and define these conditions more exactly is the aim of this thesis. In my investigation of the entire problem, I have examined, not only the extant literary sources, both prose and verse, including the lexicographers, but also the epigraphic evidence and all the available dialect material.

In a very early period of Indo-European Ablaut, the short vowels *ě*, *ǫ*, *ǣ*, losing their accent, became practically unvoiced, resulting in two vowels, one of bright, the other of dull colour. These Hirt designates by the Slavonic symbols Ъ (*jer*) and Ы (*jär*). Towards the end of the same period they were in some cases revoiced, recovering their original quality; in others they were identified with *Schwa Indogermanicum* and thus became *a* in Greek; in yet others they were identified with the vanishing grade and disappeared completely. In addition to these three distinct treatments, there is a number of examples in which Ъ seems to have become *ι* and Ы to have become *υ*.

(1) Before plosive consonants (voiced, breathed, and aspirated), and before spirants, Ъ, the reduced vowel of bright colour, whether the

¹ Degree in Classical Philology. The thesis of which this is a summary was written while the author, a graduate student in Radcliffe College, held a Fellowship granted by the Royal Society of Canada.

reduction of ϵ or of $\check{\alpha}$, was generally revoiced, recovering its original quality. Revoicing is particularly noteworthy in the paradigm of the verb — in the participle in $-\tau\acute{o}s$, in verbal adjectives in $-\tau\acute{e}os$, and in adjectives formed on verbal stems. Güntert, on the other hand, maintains that α represents the regular treatment in Greek of the reduced vowel, even before plosive consonants, explaining all such cases as do not conform to this theory as analogical restorations. However, the examples with which he supports this view can, I think, be explained more satisfactorily in other ways.

(2) The treatment of ϵ in association with liquids and nasals is next considered. Hirt seems to me to be wrong in laying down the distinction that ϵ was revoiced only before plosive consonants, while in association with liquids and nasals it was identified with α , becoming α in Greek. Among the thousands of examples which I have collected, I have found many words in which, though their accentual conditions or morphological pattern necessitate the assumption of a reduced grade, ϵ occurs in association with liquids and nasals — revoicing evidently having taken place even in this position. There is, moreover, an impressive array of examples which show both treatments occurring side by side in cognate words. These facts have led me to the conclusion that in pro-ethnic Greek both treatments existed side by side, and though identification with α seems eventually to have predominated, at least in Attic Greek, revoicing still persisted and has survived in many words, particularly in the paradigm of the verb.

(3) The well-known crux presented by those words which seem to show an alternation between $-\rho\alpha-$ and $\alpha\rho-$, $-\lambda\alpha-$ and $\alpha\lambda-$ is next considered, and after an examination of the available examples, the conclusion is reached that in some cases $\alpha\rho$ has arisen through dialectal metathesis, in others, one form has been changed on the analogy of the rest of the paradigm, while still others represent an original Indo-European alternation between reduced and vanishing grades produced by the variation in accent. These totally unrelated causes, inasmuch as they all culminated in the same result, were at a later time inextricably confused.

(4) The evidence points unmistakably to the conclusion that before $\check{\alpha}$ and $\check{\eta}$ the reduced vowels ϵ and τ became ι and υ respectively in Greek. However, a troublesome problem arises in connection with a

number of examples which seem to show \bar{i} and \bar{u} in the reduced grade of the diphthongs $e\bar{i}$ and $e\bar{u}$. In some of these, the gradation \bar{v} : \bar{u} , \bar{i} : \bar{i} may be shown to have resulted from an earlier relation $\bar{e}\bar{u}$: \bar{u} , $\bar{e}\bar{i}$: \bar{i} . In other cases, \bar{i} and \bar{u} have arisen in the reduced grade of disyllabic bases. There are still others, however, in which \bar{i} and \bar{u} represent the reduced grade of $e\bar{i}$ and $e\bar{u}$ before consonants, while ι and υ developed before vowels.

(5) Among the many difficult problems connected with the Greek development of the Indo-European Ablaut System one of the most perplexing phenomena is the appearance, in a widely distributed series of examples, of ι side by side with ϵ , α , o in cognate words. While many explanations of this peculiar phonetic development have been attempted, no one has as yet succeeded in formulating definite rules which will satisfactorily cover all the given cases. An examination of such of the available examples as are sufficiently certain to justify the formation of any definite opinion, seems to me to point to the conclusion that the Indo-European reduced vowel $\bar{\epsilon}$ became ι in Greek before consonant groups under the following conditions:

a. Before the group consonant + \bar{i} , or when ι occurs in the following syllable.

b. Before consonant + \bar{u} .

c. Before the group s or z + consonant.

d. Before the group nasal + guttural.

e. Before groups of consonants containing liquids or nasals.

f. In a small group of verbs with the formant $-n\bar{a}-$ whose vocalism presents a singularly difficult problem. On the whole the existing evidence seems to justify the conclusion that this development represents a distinct chronological stratum within quantitative Ablaut itself, being in fact a relic of an earlier state of affairs.

(6) There is still less general agreement among scholars with regard to the occurrence and treatment of $\bar{\epsilon}$, the Indo-European reduced vowel of dull colour. Hirt recognizes only υ as the development of this vowel, but many of the examples which I have considered seem to me to point rather to the conclusion that the vowel of dull colour $\bar{\epsilon}$, when it resulted from the reduction of an original Indo-European \bar{o} , was in many cases revoiced, appearing as o in Greek. The hypothesis of a reduced, deflected grade in association with liquids and nasals,

first proposed by Walde, I have accepted, and have endeavoured to substantiate by further proofs and examples. A historical background can very easily be imagined for such a development. Since the stress accent which first predominated in pro-ethnic Indo-European was gradually superseded by an accent of pitch, there must have been a period of transition during which some deflected forms came under the influence of the stress accent and so gave rise to reduced vowels of dull colour. The regular treatment in Greek of such forms as τr , $r\tau$, τl , $l\tau$, is $o\rho$, ρo , $o\lambda$, λo . The writer has further endeavoured to prove that many dialectal examples which show $-o\rho-$, $-\rho o-$, $-o\lambda-$, $-\lambda o-$, corresponding to $-a\rho-$, $-\rho a-$, $-a\lambda-$, $-\lambda a-$ in Attic forms, otherwise perplexing from a linguistic point of view, may most satisfactorily be explained as the development of this reduced deflected grade. The theory of Walde that a represents the regular treatment of this reduced vowel of dull colour before nasals seems far from convincing to me. On the other hand, I have collected a number of examples which seem rather to point to the conclusion that in this position too, just as before liquids, o is the normal Greek development.

(7) Considerable discussion has centered around the series of cases in which v appears side by side with ϵ , a and o in cognate words. The fact that a vowel of u -colour developed also in Armenian, Italo-Keltic, Balto-Slavonic and Germanic confirms the hypothesis of Hirt that the Indo-European reduced vowel of dull colour τ is the source of the Greek v . The results of my own investigation of this phonetic development, which involved the collection of a large number of examples not previously considered, have led me to the conclusion that an original Indo-European reduced vowel of dull colour, τ , became v in Greek in closed syllables, between liquids and nasals on the one hand, and labials, labio-velars and pure velars on the other; it may represent the reduction of an original \check{e} , \check{a} , or \check{o} and may occur in suffix syllables as well as in root syllables.

(8) In the next section of the dissertation we pass to a consideration of disyllabic bases, heavy and light. The relationship between the monosyllabic forms $-\rho\bar{a}-$, $-\lambda\bar{a}-$, $-\nu\bar{a}-$, $-\mu\bar{a}-$, and the disyllabic $-\acute{\alpha}\rho a-$, $-\acute{\alpha}\lambda a-$, $-\acute{\alpha}\nu a-$, $-\acute{\alpha}\mu a-$, in the reduced grade of heavy disyllabic bases, is best explained, according to Hirt, on the basis of a variation in accent — i.e., $-\epsilon\rho a-$, $-\epsilon\lambda a-$, $-\epsilon\mu a-$, $-\epsilon\nu a-$ occurring as the reduction of $-\epsilon r\bar{e}-$, $-\epsilon l\bar{e}-$, $-\epsilon m\bar{e}-$,

-enē-, when the original accent was undisturbed, became -ρᾱ-, -λᾱ-, -μᾱ-, -νᾱ-, with loss of the first syllable and compensatory lengthening in the second, but when the accent shifted secondarily on to the first syllable, ς was identified with α and -ᾱρα-, -ᾱλα-, -ᾱμα-, -ᾱνα- resulted. This theory is sound enough so far as it goes, but there is a large residue of examples for which it furnishes no adequate explanation. In particular, difficulties arise in connection with such words as *τέραμνον*, *πέλανος*, *τέμαχος*, *τέναγος* which show ε in the first syllable of the base and another group, e.g. *βέρεθρον*, *πέλεθρον*, *τέμενος*, *γένεθλον* which have ε in both syllables. Hirt classifies these under the group containing normal grade in the first syllable of the base, but this seems hardly logical, inasmuch as they are words of exactly the same morphological pattern as *βάραθρον*, *βάλανος*, *κάματος* and *θάνατος*, in which the same accentual conditions must have originally existed. How can one therefore consistently postulate a reduced grade in one case and normal in the other? I have therefore advanced the hypothesis that in the first syllable of these disyllabic bases we have had revoicing instead of identification with ς. In considering the latter group of words, which show ε also in the second syllable of the base, we can hardly do better than to adopt the theory of assimilation proffered by Schmidt. I should therefore sum up the development of -βρς-, -βλς-, -βης-, -βμς-, in Greek as follows:

a. -ῑρα-, -ῑρα-, -ῑλα-, -ῑλα-, -ῑνα-, -ῑνα-, -ῑμα-, -ῑμα-, when the accent was shifted to the first syllable of the base.

b. -ρᾱ-, -λᾱ-, -νᾱ-, -μᾱ-, when the accent was unchanged.

c. -ερ-, -αρ-, -ελ-, -αλ-, -εν-, -αν-, -εμ-, -αμ-, when a vowel followed.

d. With vanishing grade of the first syllable, -ρᾱ-, -λᾱ-, -νᾱ-, -μᾱ-.

e. With vanishing grade in both syllables: (i) -ρᾱ-, -λᾱ-, -νᾱ-, -μᾱ- before consonants (from ϣ, λ, η, η), (ii) ρ, λ, ν, μ before vowels.

(9) Another controversial problem is furnished by a series of cases in which -ρω-, -ωρ-, -ορ-, -λω-, -ωλ-, -ολ- occur. These were regarded by Brugmann and de Saussure as the regular treatment of the so-called long sonant liquids — a theory long since proved untenable by Hirt, Kretschmer, Walde, and others. These forms, in my opinion, are best explained as developments of the reduced deflected grade of heavy disyllabic bases. This hypothesis, first advanced by Walde, seems corroborated by several examples which show a corresponding disyllabic

treatment -ορο-, -ολο-, and thus furnish a very neat parallel to the alternation -ρᾱ-:-ᾱρα-, -λᾱ-:-ᾱλα-. I have collected a few examples of similar forms containing nasals, but these are by no means certain enough to justify the formation of any definite conclusions.

Through recent investigations into the structure of disyllabic light bases, new light has been thrown on the vocalism of many words hitherto misunderstood. Especially is this true in the conjugation of the verb where, owing to a total misconception of the structure of the base, the theory of the 'thematic' vowel prevailed. I have there attempted to classify the various types of the disyllabic light bases and to catalogue the forms arising in the different Ablaut grades.

(10) The last section of the dissertation deals very briefly with trisyllabic bases. Inasmuch as a thorough study of these bases could scarcely be undertaken from the point of view of Greek alone, but would involve the comparison of numerous forms from other Indo-European languages, and would thus fall outside the scope of this investigation, I have thought it advisable to limit myself to the citation of a few examples for purposes of illustration. That the system which I have outlined for the treatment of the reduced vowels in Greek is a perfectly consistent one, I should scarcely presume to claim, but it is my hope that this investigation may in some small degree contribute to a clearer understanding of the subject.

HENRY PHILLIPS, Jr. — *De Vocis AMAPTIA Vi et Usu apud Scriptores Graecos usque ad Annum ccc. ante Christum Natum*¹

THIS thesis is a semasiological study of the word ἁμαρτία and related words in the principal Greek authors from Homer through Menander (including examples from the inscriptions of the period under study) with the aim of determining the intellectual and moral content of the words. Their importance in Greek thought is partly emphasized by the fact that by the time of the New Testament the words for sin, sinner, etc., are regularly expressed by their agency. It therefore seemed desirable to investigate by a thorough study of these words in the Classical period their use as moral terms. Pre-

¹ Degree in Classical Philology.

viously it has been supposed from their frequent appearance to describe intellectual errors that they had always an intellectual cast. I have shown, I believe, that this is not the case, and that where they describe moral offenses the meaning has no suggestion of an error as such.

The method I have employed in studying the subject is as follows. First I have quoted the ancient definitions of the words as found, for example, in Aristotle, and given other stray clues as to what the ancients considered to be their meanings — such as those found not only in the authors of the Classical period but also in the scholiasts and later commentators. I conclude this section with a discussion of the efforts of modern philologists to provide an etymology. On the whole that by which the word is traced to a root *μep-* so as to mean (in the verb) ‘to be without a share of,’ ‘miss’ is the most satisfactory, despite the difficulties of the rough breathing, and is borne out, I think, if we consider the obvious antiquity and long development of the words, of which the various examples found in Homer serve as evidence. But one cannot yet be dogmatic in the matter of the etymology.

Next I have devoted a short section, arranged author by author, to a discussion of the primary meaning of the word, ‘to miss the mark,’ which occurs frequently in Homer (with the genitive) and is used throughout the literature of our period in the same sense — nearly always with the genitive. In time the word attracts to itself a prefix, so that *διαμαρτάνω* is by Demosthenes’ time quite consistently used for the older simple verb.

The change from this physical sense of the word denoting the missing of a definite mark or goal to the sense of ‘to err’ is accomplished by the use of the word to describe the missing of a mental goal, or thought — the object being in the genitive still. This transitional meaning is found a very few times in Homer and appears occasionally in most of the other authors.

The second meaning, ‘to err,’ ‘to judge wrongly,’ is frequent in all the authors studied, save only Homer, who nevertheless uses the word *νημερτής* in this sense, and is used to describe any kind of blunder, error of judgment, and even, though not in a moral sense, a fault. Again I have discussed the meanings under each author, proceeding chronologically, and have quoted frequent examples to illustrate

different classes of errors, and cited references to similar passages in order that the collection for each author may be complete.

In the next section I have discussed with care the examples of the word where it describes moral delinquency and wrong. The two earliest instances of this meaning occur in Homer, where the sense (as proved by the context) is undoubtedly moral guilt. Other examples are found frequently in subsequent writers, sometimes in a vague or negative sense, sometimes to describe the gravest of 'sins.' That the word in this sense has a moral force is proved by its use, in the orators particularly, as equivalent to such words as *ἀδίκημα*, *ὑβρις*, and the like. Indeed the orators may be said to have so used the words to describe various and sundry, mild and severe moral wrongs that they set, as it were, their moral tone.

In a concluding chapter I have gathered my material, heretofore arranged semasiologically, under the headings of what were recognised as 'sins' among the Greeks, beginning with offenses against the gods, and have shown that these words are used in a wide variety of situations where there is undoubted moral significance.

I conclude by asserting that these words may be used to describe an error of judgment, in an intellectual sense, and a moral offense, and suggest as a possible analogy that the English word 'wrong,' in derivation meaning 'crooked,' 'bent' (N. E. D.), is used in a similarly wide range of meanings. But attaching to the word *ἀμαρτάνω* in the moral sense there is no intellectual cast whereby it could be said that the Greeks designated grave moral offenses by the term 'error of judgment.'

I suggest that it might be profitable to investigate other metaphorical words with moral implications in order to throw some light upon the question of how much the Greeks were conscious of the etymological meanings of such words.

At the conclusion is appended an index of authors which facilitates finding the references to the uses of the words under each.

FREDERIC MELVIN WHELOCK. — *De Probi Commentariorum
Vergilianorum Textu Recensendo*¹

ALTHOUGH our ancient authorities for the life of Virgil agree that the poet was born at Andes, Probus alone definitely states the exact distance which intervened between that village and Mantua. When, however, we ask what this statement really is, we find ourselves in the midst of an interesting debate, for the sources² of the text of Probus differ at this very point: Egnatius alone reports that the distance was *milia passuum III*; the rest³ say *milia passuum XXX*. Professor R. S. Conway in a series of articles has favored XXX, but Professor E. K. Rand has replied with a defense of the reading preserved by Egnatius. He pointed out, however, that a systematic study no less of the *Commentary* of Probus than of the *Life* was desirable if we were nicely to evaluate the several manuscripts and editions. This investigation is an attempt in that direction.

The first chapter is chiefly historical, containing a description of the sources and a review of the numerous discussions⁴ of the subject. Particular attention is paid to the charge preferred against Egnatius as a wanton emender and to the contentions of Professor Sabbadini that V is the best source for the text of Probus. In view of the inadequate and inaccurate critical apparatus in even the latest edition of Probus the present discussion is based on a fresh collation of all the manuscripts and editions hitherto used, with the addition of L known but neglected, and of R, recently discovered by Monsignor Mercati.

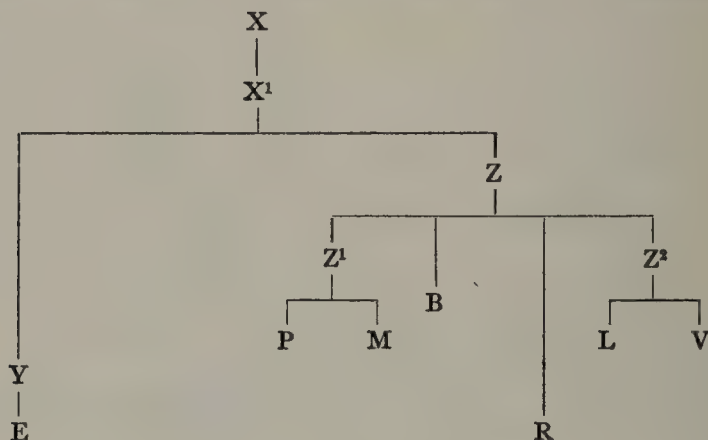
¹ Degree in Classical Philology.

² V = Cod. Vaticanus Lat. 2930, saec. XV; P = Cod. Parisinus Lat. 8209, saec. XV; M = Cod. Monacensis. Lat. 755, written in 1496 by Petrus Crinitus; L = Cod. Vat. Lat. 3394, saec. XV, a fragment containing pp. 376.26–379.5 and 381.4–387.30 of Hagen's *Appendix Serviana*; R = Cod. Vat. Lat. 7179, saec. XVI, a fragment containing pp. 323.1–337.1 of Hagen; B = the printed edition of the *Life* by Bussi in his *Virgil*, Rome, 1471; E = the printed edition of the *Life* and the *Commentary* by Egnatius in his *Virgil*, Venice, 1507. Although Professor Conway would place V and P in the first half of the fifteenth century, Monsignor Mercati supports Professor Rand's view that they are of the second half of that century.

³ R's variant of 2V is not regarded as really important.

⁴ Besides the earlier literature, the recent contributions of Monsignor Mercati and Professors Nardi, Dal Zotto and Sabbadini are examined.

Chapter II establishes the stemma. From instances of agreement in error it is clear that all our extant versions of Probus are ultimately derived from a lost archetype which is represented by two traditions: that of E on the one hand and that of PMBRLV on the other. These facts and further details of correlation are illustrated by the following diagram:



The general conclusions of this section are that Y's report ¹ of X¹, while not entirely free from scribal errors, is certainly more accurate and faithful than that of Z; that P and M are on the whole reliable and are probably to be referred to a Z¹, rather than to Z itself, on the basis of small, but fairly numerous, common errors; that although B and R do show an error which in part resembles V's variant, nevertheless, since B contains only the short *Life* and since the text of R is of secondary importance because of numerous faults and deliberate emendations, it seems best to connect these versions directly to Z; and finally that L and V are *gemelli*, whose archetype Z² had learned glosses and emendations. Incidentally, the text of V is considerably inferior to that of L.

Chapter III presents for detailed discussion all the variant readings of the three quotations from Cicero's *De Natura Deorum*. These passages prove particularly valuable in that we here have, independent of

¹ E and Y are for the most part regarded as identical; Y is added to allow for a copy made for the printer from the archetype X¹, that very old codex to which Egnatius refers.

Probus, an external standard by which to test the relative worth of PMVE. As a result evidence is available to show that even in difficult or corrupt places Egnatius did not try to emend the text of his archetype either by conjecture or by the aid of some of the many manuscripts and editions of Cicero. Z, on the contrary, did resort to the former device. Accordingly, the numerous correct readings which Egnatius alone preserves are traceable to his faithful transcript of a superior archetype. Egnatius' fidelity and superiority, therefore, are once again demonstrated.

Similarly the superiority of E is to be seen in Chapter IV, which deals with the Greek passages. For, although the rest omit all the longer quotations, Egnatius has preserved them and preserved them in good condition, thanks to his fidelity to X¹. Furthermore, when some or all of the members of the Z family do have the Greek, Egnatius' version is frequently superior to theirs, but not because of emendation.

The next chapter refers to Professor Dal Zotto's ingenious, if occasionally difficult, theory concerning the mutilation and disarrangement of the archetype X¹. For us the important point is that Egnatius so respected the integrity of his archetype as to preserve in his text senseless combinations of phrases with which certainly no *emending* humanist would have been content.

In Chapter VI there is a discussion of places in which the variant of either E or the Z family may be correct and of other places, few in number, in which the *lectio facilior* in E might seem to attest a disposition to emend. But when these few cases are considered in the light of Egnatius' habitual procedure as shown in the preceding chapters, they should not interfere with the reputation here established for him as that of a faithful transmitter of a manuscript source superior to that from which the other witnesses to the text are derived.

Chapter VII sums up the various findings of the investigation. In brief, the charge of deliberate emendation is shifted from Egnatius to the copy Z, and in particular to Z² and R. With the exception of a small number of scribal or printer's errors, readily detected, E is a far better source than V for the text of the ancient archetype with its merits and defects.

The problem of III and XXX has still to be disposed of. Because

we have learned to trust Egnatius and because it is not difficult to show how the mistake of *milia passuum XXX* could develop from the use of three so-called infinity symbols¹ for the words *milia passuum tria*, we may conclude that Andes was *milia passuum III* from Mantua.

¹ Two facts in particular are noteworthy. These symbols are made not only in the rounded form but also in two squared forms (\bowtie and \times), which closely resemble the letter *x*. In the second place, it is not uncommon to find distance in miles indicated by a numeral alone, so that three of these symbols could themselves stand for the words *milia passuum tria*. If the archetype had $\times \times \times$ meaning *milia passuum tria*, we may assume from his learning displayed elsewhere that E could interpret the symbols correctly. But since in this context the numeral obviously is applied to a distance, it was perfectly natural, although incorrect, for the scribe of Z to add or incorporate the gloss of *milia passuum* in connection with the three symbols, which he mistook for *x*'s. Hence the error of all the manuscripts and of the editions which flowed from that one source.

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